

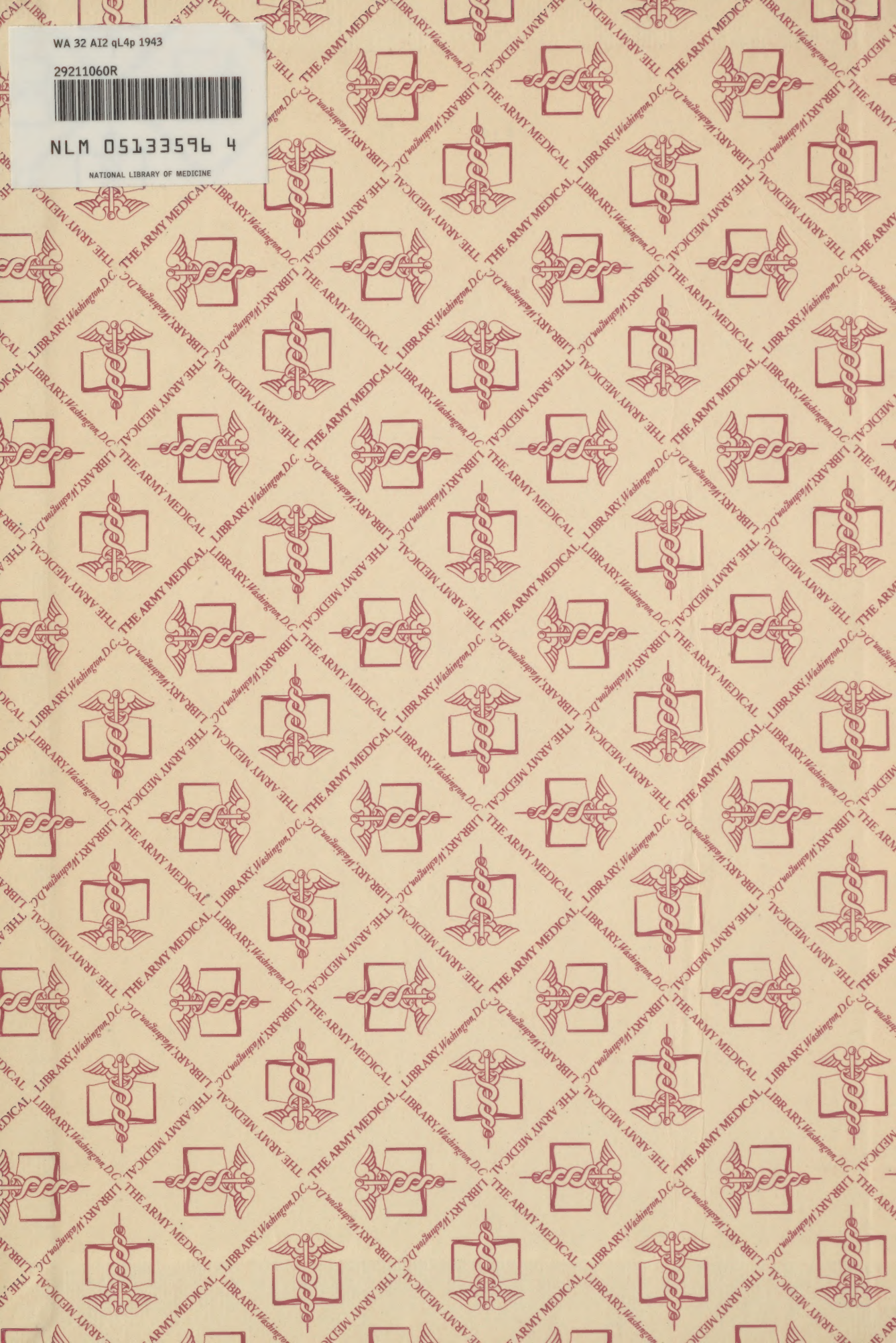
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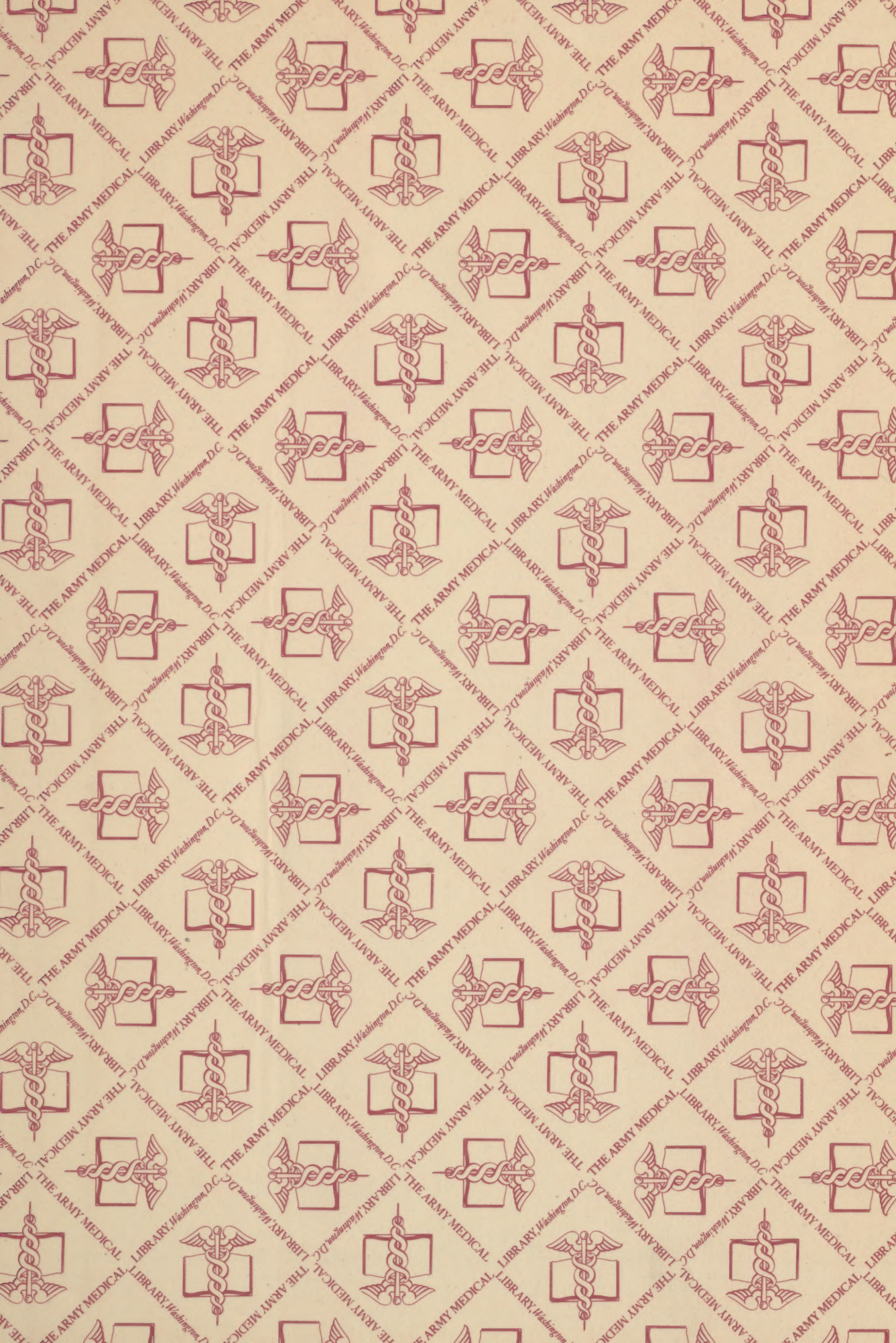
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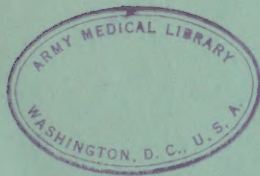
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STATE OF IDAHO
Department of Public Health
Boise

PUBLIC HEALTH LAWS, RULES AND REGULATIONS



Compiled
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S T A T E O F I D A H O
D E P A R T M E N T O F P U B L I C H E A L T H

FOREWORD

The Law and Regulations pertaining to Public Health were compiled by the office of the Attorney General upon request of C. A. Bottolfson, Governor and Ex-Officio Commissioner of Public Health.

This compilation includes all laws and regulations which are effective in Idaho as of July 1, 1943.

REFERENCE

REFERENCES TO PUBLIC WELFARE DEPARTMENT.--

Chapter 196, Session Laws of 1941. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF IDAHO:

Section 1. All references to the Department of Public Welfare in the laws of the State of Idaho, excepting in Chapter 216 of the 1937 Session Laws, and Chapter 182 of the 1939 Session Laws, shall be construed to mean the Department of Public Health, and all powers and duties vested by any laws of this state, excepting said Chapter 216 of the 1937 Session Laws and Chapter 182 of the 1939 Session Laws, are hereby vested in the Department of Public Health.

HEALTH AND SAFETY

POWERS AND DUTIES OF DEPARTMENT OF PUBLIC WELFARE

(All section numbers refer to the Idaho Code Annotated)

Section 38-101. POWERS AND DUTIES ENUMERATED.--The Department of Public Welfare shall have a general supervision of all matters relating to the preservation of the life and health of the people of the state. It shall especially study the vital statistics of the state, and endeavor to make profitable and intelligent use of the collected records of sickness and mortality among the people; it shall carefully study the influence of the climate upon diseases and health in different localities in the state, for the benefit of the citizens thereof, as well as for the information of that large class of people who contemplate making this state their temporary or permanent home; it shall make sanitary investigations and inquiries respecting the causes of disease, and especially epidemics; the causes of mortality and the effects of localities, employments, conditions, ingesta, habits and circumstances on the health of the people. It shall, when required or when it deems best, advise officers of the government or other state boards and departments in regard to the location, drainage, water supply, disposal of excreta, heating and ventilation of any public institution or building, and it shall, either as a department or through other persons appointed by it for that purpose, visit and report on the sanitary condition of all state institutions as often as conditions may require, but the state hospital for the insane, the penitentiary and the soldiers' home, shall be visited and reported on at least once a year, said report to become a part of the records of the Department of Public Welfare, and a copy of said report shall be filed in the office of the Governor and of the Secretary of State, and also mailed to each member of the several boards of departments controlling the management, and the officers in charge of these institutions.

Section 38-102. RULES TO PREVENT DISEASE--PENALTY FOR INFRACTION.--Whenever the Department of Public Welfare shall have cause to believe that there is any danger of cholera, smallpox or other contagious or infectious disease invading this state or country, it shall be the duty of said department to take such action, and adopt and enforce such rules and regulations, as may be necessary to prevent the introduction of such infectious or contagious disease within this state, and any person or persons or corporations refusing or neglecting to obey such rules and regulations shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than \$500.00, or imprisoned in the county jail for not less than thirty nor more than ninety days, or be punished by both such fine and imprisonment, in the discretion of the court, for every such offense. And it shall be the duty of all police officers, sheriffs

and constables to enforce such regulations, subject to the authority of the Department of Public Welfare. Whenever necessary, the Department of Public Welfare may call public conferences of local health officers, or may, by a vote of a majority of its members, send a delegate to any conference of local, state or national health officers.

Section 38-103. BACTERIOLOGICAL STATIONS--ESTABLISHMENT AND EQUIPMENT--APPOINTMENT, QUALIFICATIONS AND COMPENSATION OF DIRECTOR--COMPENSATION FOR TESTS.--The Department of Public Welfare shall have power to establish such bacteriological stations within the state as it may deem necessary; to equip the same with the necessary laboratory apparatus and supplies and to appoint a director for each station so established, who shall be a practical bacteriologist, and who shall receive such compensation for his work as the department may prescribe, not to exceed ten dollars per day for each day actually and necessarily spent in bacteriological examination. Said compensation shall be paid on claims approved by the department out of any funds appropriated for the use of said department in the same manner that other claims against the state are paid: Provided, that when in the opinion of the Department of Public Welfare the conducting of any test would be too expensive to be done free of charge, the department would be allowed to charge a reasonable compensation for the same, such compensation to be determined by the department, and all such amounts collected shall be paid into the general fund of the state.

Section 38-104. VACCINES AND ANTITOXINS FOR TREATMENT OF CHILDREN.--The Department of Public Welfare is empowered and authorized on the proper requisition of the county physician of any county of this state, and under such regulations as said department may prescribe to supply, without cost, vaccines and antitoxins for scarlet fever, typhoid, diphtheria and smallpox for treatment of pre-school and school children.

Section 38-1001. VACCINES, ANTITOXINS AND OTHER SERA--STORAGE PENDING SALE--DATE OF SALE.--It shall be the duty of any person, persons, firm, corporation, or other person, having for sale any biological products such as smallpox vaccine, diphtheria antitoxin, typhoid vaccine, antirabic vaccine, or any other sera used in the prevention or treatment of human ills, and which deteriorates with age, or when exposed to heat or light, or freezing, to keep same stored in a proper container where the temperature shall be equalized at not more than sixty degrees F., nor less than fifty degrees F., and not exposed to the light: Providing, further, that no such products as mentioned in this chapter shall be offered for sale or dispensed in any manner unless they are well within the date stamped on said package.

Section 38-1002. JURISDICTION OF DEPARTMENT OF PUBLIC WELFARE It shall be the duty of the Department of Public Welfare to see that this chapter is complied with.

Section 38-1003. PENALTY FOR VIOLATION.--Upon conviction of failure to comply with the provisions of this chapter, said person, persons, firms or corporation shall be deemed guilty of a misdemeanor.

LOCAL BOARDS OF HEALTH--QUARANTINE AND HEALTH REGULATIONS

Section 38-301. CONSTITUTION AND OFFICERS.--The board of county commissioners must, biennially at their regular meeting in January, appoint a licensed physician residing in the county, who shall be known as the county physician.

The board of county commissioners of each and every county in this state shall be constituted a county board of health for such county, and said county board of health's jurisdiction shall be coextensive with the boundaries of said county. The chairman of the board of county commissioners shall be president of the county board of health, and the county health officer shall be the clerk thereof. They shall at their regular meeting in January, appoint a legally qualified physician, county health officer, whose term of office shall be for two years from January, next following each general election, and shall fix his compensation.

The county health officer shall be ex-officio member of the county board of health and shall be the executive officer thereof and may be or may not be county physician. The county board of health may appoint as many sanitary officers as they deem necessary and fix the compensation of all appointees, who shall serve during the pleasure of the board.

Any vacancy in such board caused by death, resignation of county health officer, or by his refusal to act, must be filled by appointment by the commissioners.

The county board of health shall be empowered to make its own local rules and regulations, which shall not be inconsistent with law nor with the rules and regulations of the Department of Public Welfare and must make and establish for the county or any district or place therein, such sanitary rules and regulations as they may deem necessary and proper to prevent the outbreak and spread of dangerous, contagious and infectious disease, which rules and regulations shall take effect from and after their approval by the Department of Public Welfare.

When any locality is in need of a health officer, the secretary of the county board of health may appoint a local physician to act as deputy health officer, and the expenses of such deputy health officer shall be paid in the same manner as all other county expenses. Cities and villages and other localities, in which there is need therefor, may organize a local board of health to be composed of at least one physician, who shall be the executive officer of such local board, and two other persons who may or may not be of such local board, and two other persons who may or may not be physicians. If, however, there is no physician residing in the city, village or other locality, others may act. Such local boards of health shall act under the authority and direction of the county board of health for the county in which such city, village or other locality may be situated, and shall report to said county board of health. All necessary expense incurred by the said county board

of health in enforcing the provisions of this chapter must be paid for out of the general treasury from the current expense fund of the county, as other bills chargeable against said current expense fund are audited and paid.

Every health officer appointed under the provisions of this chapter shall be, whenever the same is practicable, a reputable physician licensed under the laws of the state of Idaho, and shall hold his office during the pleasure of the board and until his successor shall have been duly appointed and qualified, and in case of the occurrence of a vacancy in his office, the board of health shall immediately fill the same by a new appointment.

Section 38-302. MEETINGS AND POWERS OF BOARDS.--The local board of health of each county and municipality shall meet quarterly in the months of January, April, July and October, and as much oftener as they may deem necessary, and may adopt all needful rules and regulations for the government of their respective bodies, subject to the provisions of this chapter. They shall establish the salaries of their respective health officers, and shall regulate all fees and charges in connection with their own regulations; they shall act in conjunction with the Department of Public Welfare and report quarterly to said department such facts in reference to the sanitary condition of their respective counties or municipalities as they may deem important or necessary, or as required by the Department of Public Welfare: Provided, that if there is a regular salaried county physician, it shall be his duty to attend to all quarantined patients who are unable to pay, without extra charge, and in no case shall the fees allowed to physicians for their services as local health officers exceed the regular fees of physicians for similar services, and no extra charge shall be made nor allowed in any case for admitting any patient or releasing him from quarantine.

Section 38-303. SUPPRESSION OF NUISANCES.--Such local board of health shall take cognizance of all unhealthy nuisances within the limits of their sanitary jurisdiction; and every person or corporation refusing or neglecting, after due notice, to comply with the requirements of said department in this respect shall be liable to a penalty of not exceeding fifty dollars or imprisonment in the county jail for not more than sixty days, or to both such fine and imprisonment. All questions arising between local boards as to jurisdiction of their relative duty in the abatement of any particular nuisance shall be referred to the Department of Public Welfare for settlement.

Section 38-304. SANITARY INSPECTION OF PUBLIC BUILDINGS AND SCHOOLS.--It shall be the duty of all county boards of health to provide for the examination by the secretary into the sanitary condition of all county buildings and jails and other public institutions, at least once every year, before the first day of May, and as near said day as may be practicable, and such examining officer shall file a complete report within fifteen days after said first day of May, with the Department of Public Welfare. It

shall also be the duty of all county boards of health to provide promptly for the examination by the secretary into the sanitary and usable condition of any school building, school site, school outbuilding, or school drinking water supply in the county, upon a request for such examination by the county superintendent of public instruction. The examining officer shall file a complete report within fifteen days after such examination of any school building, school site, school outbuilding, or school drinking water supply with the Department of Public Welfare. Upon the receipt of the report that any school building, school site, school outbuilding, or school drinking water supply is unfit for use on account of insanitary or other improper conditions, it shall be the duty of the Department of Public Welfare to condemn said school building, school site, school outbuilding, or school drinking water supply, and report the same to the county superintendent. It shall be the duty of the county superintendent immediately upon the receipt of such report of the condemnation of any school building, school site, school outbuilding, or school drinking water supply, to notify the board of trustees of such report, and if in vacation time that school must not commence or be held in the district until such insanitary condition is abated, and if during the time when school is in progress, that school must cease to be held within such district unless at the expiration of twenty days after such notice by the county superintendent, the insanitary condition complained of shall have been abated.

Section 38-305. QUARANTINE DISTRICTS.--The board of health of any county may declare quarantine therein or in any particular district or place therein, against the introduction of dangerous, contagious or infectious disease prevailing in any state, county or place, or of any or all persons and things liable to spread such dangerous, contagious and infectious disease. The said county board has authority and power to enforce such quarantine until the same is raised by themselves and may confine such afflicted person or persons liable to spread such dangerous, contagious or infectious disease to the house or premises in which he or she resides, or, if deemed advisable, to a place to be provided for them for that purpose. And when any contagious or infectious disease shall, in the opinion of the Department of Public Welfare, become or threaten to become epidemic in any city, village, or county, and the local authorities shall neglect or refuse to enforce measures which, in the opinion of the Department of Public Welfare, are efficient for its prevention, the department, or its executive officer, may appoint a medical or sanitary officer, and such assistants as he may require, and authorize him to enforce such orders or regulations as said department or its executive officer may deem necessary, the expense thereof to be paid by that municipality or county in which such services are rendered out of its general fund. The term "dangerous, contagious, or infectious disease" shall be construed and understood to mean such disease or diseases as the Department of Public Welfare shall designate as contagious or infectious and dangerous to the public health.

Section 38-306. DUTIES OF LOCAL HEALTH OFFICERS--PENALTY FOR VIOLATIONS.--It shall be the duty of every county health officer, immediately after his appointment, to transmit to the Department of Public Welfare his full name and post-office address; he shall keep accurate record of the proceedings of the local board of which he is the secretary, as well as his own official acts, and furnish a report thereof monthly to the Department of Public Welfare: Provided, however, that any epidemic shall be reported immediately, together with such other information in regard to the sanitary condition of his jurisdiction as he may deem interesting or valuable for publication in the annual report of the department. He shall receive for his services as health officer, such reasonable compensation as his board may allow to be paid out of the county treasury, this compensation to be fixed separately from that of the county physician, and for every failure or neglect of said health officer to perform any of the duties prescribed in this chapter, he shall be held guilty of a misdemeanor. Every municipal or local health officer shall make a similar report as required by the county health officer to the secretary of the county board of health.

Any health officer who shall refuse or neglect to obey or enforce the rules and regulations or orders of the Department of Public Welfare or who shall refuse or neglect to make prompt and accurate reports to the Department of Public Welfare may be removed as health officer by the department, and shall not again be re-appointed except with its consent.

Any member of a city or county board of health who shall violate or refuse or neglect to obey or enforce any of the rules, regulations or orders of the Department of Public Welfare or county boards of health made for the prevention, suppression, or control of any dangerous, contagious, or infectious disease, or for the protection of the health of the people of this state, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than \$200.00, and shall be removed from office.

Section 38-307. REPORTABLE DISEASES--DUTY TO REPORT--TEMPORARY QUARANTINE--INSPECTION OF LOCALITY--PENALTIES.--Any physician or other person called to attend any person who is suffering from smallpox, cholera, plague, yellow fever, typhus fever, diphtheria, membranous croup, scarlet fever, typhoid fever, infantile paralysis and cerebrospinal meningitis, or any other disease dangerous to the public health or required by the Department of Public Welfare to be reported, shall report the same within twenty-four hours to the health officer within whose jurisdiction such person is found, giving in such report the name, age, sex and color of the patient, and the house or place in which such person may be found; and in the case of smallpox, cholera, plague, yellow fever, diphtheria, membranous croup, scarlet fever, or infantile paralysis and cerebrospinal meningitis, the attending physician shall at once declare a temporary quarantine, and shall prohibit entrance to or exit from such house; such temporary quarantine to remain in effect only until such time as the proper health officer can be notified and can act in the matter. In like manner it shall be the

duty of the head of the family, and of the owner or agent of the owner of the building in which a person resides who has any of the diseases herein named or provided against, or in which are the remains of a person having died of any such disease, immediately after becoming aware of the fact, to give notice thereof to the health officer. When complaint is made or a reasonable belief exists that an infectious or contagious disease prevails in any house or any other locality which has not been reported as hereinbefore required, the board shall cause such house or locality to be inspected by its health officer, and on discovering that such infectious or contagious disease exists, the board may, as it deems best, send such person to a quarantine hospital or other place provided for such persons, or may restrain them or other persons exposed within said house from intercourse with other persons, and prohibit ingress and egress to or from such premises. Any person, on whom a duty is imposed by the provisions of this section, who fails, neglects or refuses to perform the same as herein required, and any person who violates any regulations of the physician attending a person afflicted with any of the diseases above-mentioned, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined a sum not exceeding fifty dollars, or be imprisoned in the county jail not exceeding ninety days, or shall suffer both such fine and imprisonment.

Section 38-308. QUARANTINE OF INFECTED PREMISES--PENALTY.-- It shall be the duty of the local board of health when a case of smallpox, cholera, plague, yellow fever, typhus fever, diphtheria, typhoid fever, scarlet fever, infantile paralysis, is reported within its jurisdiction to at once cause the patient to be isolated and a quarantine card placed upon the isolation quarters. This sign shall prohibit entrance to or exit from such quarters without written permission from the board of health. If isolation is not practical, then the premises in which such patient resides shall be placed under quarantine and proper signs posted to notify the public. No person quarantined by a board of health on account of having a contagious disease, or for having been exposed thereto, shall leave such quarantined house or place without the written permission of the board of health. Every physician attending a person affected with any of the afore-mentioned diseases, shall use such precautionary measures to prevent the spread of the diseases as may be required by the board of health. No person shall remove, mar, deface or destroy such quarantine card, which shall remain in place until after the patient has been removed from such house, or has recovered and is no longer capable of communicating the disease, and the said house and the contents thereof have been put in sanitary condition under the direction of the board of health. In cases of measles, mumps, chickenpox, and whooping cough, the board of health shall require the same report of cases. In case of measles, chickenpox, whooping cough, mumps, or either of them, the patient suffering from the disease shall be isolated, and a warning card placed on the quarters, and if isolation of the patient is not practicable, then the premises in which such patient resides shall

be placed under quarantine. The board of health may employ as many persons as it deems necessary to execute its orders and properly guard any house or place containing any person or persons afflicted with any of the diseases named herein, or who have been exposed thereto, and such persons shall be sworn in as quarantine guards, shall have police powers, and may use all necessary means to enforce the provisions of this chapter for the prevention of contagious or infectious diseases, or the orders of any local board of health made in pursuance thereof. Any person, on whom a duty is imposed by the provisions of this section, who fails, neglects, or refuses to perform the same as herein required, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined a sum not exceeding fifty dollars, or be imprisoned in the county jail not exceeding ninety days, or shall suffer both fine and imprisonment.

Section 38-309. FURNISHING MEDICINE TO INDIGENT QUARANTINED PAYMENT.--Whenever a quarantine has been declared as provided in section 38-308, and any person so quarantined is unable through poverty or otherwise to procure such medicines, medicinal and surgical supplies, vaccines, serums, anti-toxins, or other sick room supplies as the attending physician deems necessary for the abatement or cure of the disease, the board of county commissioners shall purchase and supply to the quarantined person such necessities and the cost of the same shall be deemed to be a debt due the county from such person and may be recovered from him, or from his estate in the event of his death: Provided, that in case the amount due the county is uncollectible the same shall be paid out of the funds of the county available for poor relief.

Section 38-310. EXPOSING INFECTED PERSONS OR ARTICLES--PENALTY.--Any person who, while suffering from smallpox, cholera, plague, yellow fever, diphtheria, membranous croup or scarlet fever, wilfully or unlawfully exposes himself in any street, shop, inn, theater or other public place or public conveyance, or being in charge of any person so suffering, so exposes such sufferer, or gives, lends, sells, transmits or exposes, without previous disinfection under the direction of the board of health, any bedding, clothing, rags or other things which have been exposed to infection from any such diseases, or who knowingly lets for hire any house, room or part of the house in which any person has been suffering from any such disease, prior to such house, room or part of the house having been disinfected by the board of health or under its direction, shall be liable to a penalty of not exceeding \$300.00, or to imprisonment not exceeding three months, or to both, in the discretion of the court.

Section 38-311. DISINFECTION OF HOUSES.--When the health authorities of any county or municipality are of opinion that the cleansing and disinfection of any house or part thereof, and of any articles therein likely to retain infection, would tend to prevent or check infectious diseases, it shall be the duty of such authority to cleanse and disinfect such house, or part thereof, and articles, and the health authorities may recover the expenses incurred from the owner or occupant: Provided, that where the owner

or occupant of any such house or part thereof is, from poverty or otherwise, unable, in the opinion of such health authority, effectually to carry out the requirements of this section, such authority may cleanse and disinfect such house or part thereof, and articles, and the municipality or county in which said house is situated shall defray the expenses thereof.

Section 38-312. DISINFECTION OF CLOTHING AND BEDDING.--Any local health authority may direct the disinfection or destruction of any bedding, clothing or other articles which have been exposed to infection from any dangerous infectious disorder: Provided, that when any person sustains any damages by reason of the exercise of any of the provisions of this section in relation to any matter as to which he is not himself in default, reasonable compensation shall be made by the municipal or county authorities to such person.

Section 38-313. (as amended) EXCLUSION OF EXPOSED PERSONS FROM SCHOOLS.--No person residing in or occupying any house in which there is a person suffering from smallpox, cholera, plague, typhus fever, diphtheria, membranous croup, * * * or scarlet fever, cerebrospinal meningitis, infantile paralysis, shall be permitted to attend any public, private, or parochial school or college, or Sunday school, or any * public gathering, until the quarantine provided for in such disease in Section 38-308 has been removed by the board of health. All school principals, Sunday school superintendents or other persons in charge of such schools, are hereby required to exclude any and all such persons until such time as they may present a written permit of the local board of health to attend or reenter such schools.

Section 38-314. HOSPITAL FOR INFECTIOUS DISEASES.--The municipal or county authorities may, when necessary, provide a hospital for infectious diseases for the use of the inhabitants of their respective municipality or county, or two or more local authorities may combine in providing a common hospital for contagious diseases or a place of detention for persons having contagious diseases. Any expense incurred by the authorities of any municipality or county in maintaining in a hospital, or in a temporary place for the reception of the sick, a patient who is not a pauper, shall be deemed to be a debt due from such patient to the authorities aforesaid, and may be recovered from him at any time within twelve months after the discharge from such hospital or place of reception, or from his estate in the event of his death.

Section 38-315. CREMATION AND BURIAL OF BODIES.--The bodies of persons who have died of smallpox, cholera, plague, yellow fever, typhus fever, diphtheria, membranous croup, scarlet fever, cerebrospinal meningitis, infantile paralysis or other dangerous, contagious or infectious disease, shall be buried or cremated within twenty-four hours after death, unless written permission to the contrary is granted by the board of health, and no public or church funeral shall be held in connection with the burial of a person who has died of any of the above-named diseases, and the body of any such person shall not be taken into any church, chapel, or other public place and only the adult members of the family and such other persons as are actually necessary shall be present at the burial or cremation of the body.

Section 38-316. QUARANTINE OF CITIES AND COUNTIES.--Whenever smallpox, cholera, plague, yellow fever, typhus fever, diphtheria, membranous croup, scarlet fever or other dangerous, contagious or infectious diseases, show a tendency to become epidemic, and the local health authorities neglect or refuse to properly isolate and quarantine such diseases, the Department of Public Welfare, or its executive officers, may quarantine any city or county or part thereof in which any of these diseases may show a tendency to become epidemic, and the expense of such quarantine shall be charged against and paid by the county so quarantined, except in a case where a city or a part thereof is quarantined, when said expense shall be paid by such city. And in all such cases the local health authorities may cause all public schools, churches and theaters to be closed, and all meetings or public assemblies to be prohibited, during the prevalence of such epidemic.

Cross ref. Chapters 26 and 42, Session Laws 1943

CONTAGIOUS DISEASE--PUBLIC SCHOOLS

Section 32-114. EXECUTIVE OFFICERS--POWERS AND DUTIES.--Acting through its own executive officers, the state board of education and the board of regents of the University of Idaho shall. *****

15. In cooperation with other departments of the state government, the board shall see to it that the rules relating to schools, health, compulsory education, child labor and child conservation are enforced, and, in addition, shall plan an active campaign for the public conservation of childhood.

16. In cooperation with the Department of Public Welfare, shall standardize sanitary appliances, school furniture, school equipment and supplies and school buildings; shall provide for an efficient system of health supervision, medical inspection and physical development work in all public schools, and prepare and adopt such rules and regulations as will provide for the effective administration of such system. It shall, if deemed advisable, set aside such school funds as may be found necessary to properly administer such system. *****

Section 32-1101. CERTIFICATE NECESSARY--QUALIFICATIONS. *****

No person is eligible to teach in any public school in this state, or to receive a certificate to teach, who is afflicted with tuberculosis or any contagious or infectious disease.

Section 32-1401. SCHOOL BOARD TO BE NOTIFIED OF CONTAGIOUS DISEASE.--The owner, or agent of the owner, of a house in which a person resides who has smallpox, diphtheria, scarlet fever or any other contagious or infectious disease, dangerous to the public health, and the physician called to attend the person or persons so affected shall, within twenty-four hours after becoming cognizant of the fact, give notice thereof to the clerk of the board of trustees of the school district in which said person so afflicted resides, and said person so afflicted shall be kept away and apart from all other persons except those whose presence may be necessary to the physical or spiritual well-being of such person or persons.

Section 32-1402. EXCLUSION OF PUPILS FROM INFECTED HOUSEHOLDS. The school trustees of the various school districts in the state shall not allow any pupil to attend the public schools while any member of the household to which such pupil belongs is sick of smallpox, diphtheria, scarlet fever or other contagious or infectious disease, dangerous to the public health, or during the period of two weeks after the death, recovery, or removal of such sick person; and any pupil coming from such household shall be required to present to the teacher of the school the pupil desires to attend, a certificate from the attending physician of the facts necessary to entitle him to admission in accordance with the above regulations.

Section 32-1403. DISINFECTION OF TEXTBOOKS.--Whenever any textbook or books belonging to any school district shall be in the house during the time that pupils residing in such house are prevented from attending the public school in accordance with the provisions of this chapter, such book or books shall not be returned to such public school until the same shall have been thoroughly disinfected under the direction of the attending physician, who shall certify the same to the teacher of said school, or to the clerk of the board of trustees in case the school is not in session at such time.

Section 32-1404. VIOLATION OF CHAPTER, A MISDEMEANOR.--Any school trustee or other person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor.

CONTROL OF VENEREAL DISEASES

Section 38-501. VENEREAL DISEASES DECLARED DANGEROUS--EXPOSING ANOTHER PERSON--PENALTY.--Syphilis, gonorrhea and chancre, hereinafter designated as venereal diseases, are hereby declared to be contagious, infectious, communicable and dangerous to public health; and it shall be unlawful for any one infected with these diseases or any of them to knowingly or wilfully expose another person to the infection of such diseases.

Section 38-502. REPORT OF VENEREAL DISEASE TO HEALTH AUTHORITIES.--Any physician or other person who makes a diagnosis of or treats a case of venereal disease, and any superintendent or manager of a hospital, dispensary or charitable or penal institution, in which there is a case of venereal disease, shall make a report of such case to the health authorities, according to such form and manner as to the State Department of Public Welfare shall direct.

Section 38-503. EXAMINATION, TREATMENT, AND QUARANTINE--REPRESSION OF PROSTITUTION.--State, county and municipal health officers, or their authorized deputies, within their respective jurisdiction, are hereby directed and empowered, when in their judgment it is necessary to protect the public health, to make examinations, or have examinations made by competent physician, of

persons reasonably suspected of being infected with venereal disease, and to require persons infected with venereal disease to report for treatment to a reputable physician and continue treatment until cured, or to submit to treatment provided at public expense until cured, and also, when in their judgment it is necessary to protect the public health, to isolate or quarantine persons affected with venereal disease. It shall be the duty of all local and state health officers to investigate sources of infection of venereal diseases, to cooperate with the proper officials whose duty it is to enforce laws directed against prostitution, and otherwise to use every proper means for the repression of prostitution.

Section 38-504. CONFINED AND IMPRISONED PERSONS--EXAMINATION, TREATMENT, AND QUARANTINE.--All persons who shall be confined or imprisoned in any state, county, or city prison in the state shall be examined for and, if infected, treated for venereal diseases by the health authorities of the county or their deputies. The prison authorities of any state, county, or city prison are directed to make available to the county health authorities such portion of any state, county or city prison as may be necessary for a clinic or hospital wherein all persons who may be confined or imprisoned in any such prison and who are infected with venereal disease at the time of the expiration of their terms of imprisonment, and, in case no other suitable place for isolation or quarantine is available, such other persons as may be isolated or quarantined under the provisions of section 38-503, shall be isolated and treated at public expense until cured, or, in lieu of such isolation, any of such persons may, in the discretion of the State Department of Public Welfare, be required to report for treatment to a licensed physician, or submit to treatment provided at public expense, as provided in section 38-503. Nothing herein contained shall be construed to interfere with the service of any sentence imposed by a court as a punishment for the commission of crime.

Section 38-505. RULES AND REGULATIONS FOR CARRYING OUT LAW.--The State Department of Public Welfare is hereby empowered and directed to make such rules and regulations as shall, in its judgment, be necessary for the carrying out of the provisions of this chapter, including rules and regulations providing for the control and treatment of persons isolated or quarantined under the provisions of section 38-503, and such other rules and regulations, not in conflict with provisions of this chapter, concerning the control of venereal diseases, and concerning the care, treatment and quarantine of persons infected therewith, as it may from time to time deem advisable. All such rules and regulations so made shall be of force and binding upon all county and municipal health officers and other persons affected by this chapter, and shall have the force and effect of law. Such rules may be amended from time to time by the State Department of Public Welfare. All rules and regulations must be entered on the minutes of the State Department of Public Welfare and copies shall be furnished all county and municipal health officers and to anyone else who may apply for same. No such rules or regulations shall be effective until thirty days after it is adopted by the State Department of Public Welfare.

Section 38-506. REPORTS BY NUMBERS--OBSERVANCE OF SECRECY.--Reports to the Welfare Department of the existence of diseases included in this chapter shall be made by a number which corresponds to the name of the patient being treated for such disease. It is the intent of this chapter to observe all possible secrecy for the benefit of the sufferer so long as the said sufferer conforms to the requirements of this chapter.

Section 38-507. PENALTIES FOR VIOLATIONS.--Any person who shall violate any of the provisions of this chapter or any lawful rule or regulation made by the State Department of Public Welfare, pursuant to the authority herein granted, or who shall fail or refuse to obey any lawful order issued by any state, county or municipal health officer, pursuant to the authority granted in this chapter, shall be deemed guilty of a misdemeanor, and shall be punished, on conviction thereof, by a fine of not more than three hundred dollars or by imprisonment in the county jail for not more than six months; or by both such fine and imprisonment.

Chapter 26, Session Laws 1943

Be it Enacted by the Legislature of the State of Idaho:

Section 1. Every licensed physician attending a pregnant woman for a condition relating to her pregnancy, or at delivery, or after delivery for a condition relating to her pregnancy, shall in the case of every woman so attended, take or cause to be taken a sample of blood of such woman at the time of first examination or within fifteen days thereafter, and shall submit such sample to the laboratory of the Department of Public Health or to a laboratory approved by said Department, for a standard serological test for syphilis. In submitting such sample to the laboratory, the physician shall specify whether it is for a prenatal test or a test following recent delivery. The laboratory of the Department of Public Health shall analyze such sample without charge upon the request of any licensed physician.

Sec. 2. Every other person attending a pregnant or recently delivered woman in the State, but not permitted by law to take blood samples, shall within fifteen days of the first examination cause a sample of blood of such woman to be taken by a licensed physician and have the sample submitted to the laboratory of the Department of Public Health for a standard serological test for syphilis, or to a laboratory approved by said Department.

Sec. 3. For the purpose of this act, a standard serological test shall be a test for syphilis approved by the Department of Public Health.

Sec. 4. The laboratory analyzing the blood sample shall furnish to the physician offering the sample a detailed report of the standard serological test, and including the result of the test. If the laboratory is not operated by the Department of Public Health, a copy of such report shall be filed with said Department. The report shall be held in absolute confidence, and shall not be open to public inspection.

Section 5. In reporting every birth and still-birth, physicians and others required to make such reports shall state on the certificates of birth or death whether a standard serological test for syphilis has been made upon a sample of blood taken from the woman who bore the child for which a certificate is filed, and the approximate date when the sample was taken. The birth or death certificate shall not state the result of the test.

Sec. 6. Any person who violates the provisions of this act shall be guilty of a misdemeanor; provided, however, that every licensed physician or other person attending a pregnant or recently delivered woman, who requests such sample in accordance with the provisions of this act, and whose request is refused, shall not be guilty of a misdemeanor.

Chapter 42, Session Laws 1943

Be It Enacted by the Legislature of the State of Idaho:

Section 1. Before any county recorder shall issue any marriage license, each applicant therefor shall file with him a certificate from a licensed physician certifying that the applicant has been thoroughly examined for evidence of venereal disease, including a standard serological test for syphilis, made not more than thirty days prior to the date of issuance of such license, and that in the opinion of such physician, the applicant either is not infected with syphilis or other venereal disease, or if so infected, is not in a stage of such disease which is or may become communicable to the marital partner, and for such services the physician may collect from the applicant a fee not to exceed \$2.00.

Sec. 2. The certificate, to be referred to in this act as the certificate form, shall include the report of the person in charge of the laboratory making the standard serological test, or his duly authorized representative. The report shall be made upon the certificate form to be provided by the Department of Public Health, and shall include the name of the laboratory test, the date it was made, the name and address of the physician to whom it was sent, and the name and address of the person whose blood was tested. Space shall be provided on the certificate form for recording the statement of the physician that the applicant meets the requirements for a marriage license as specified in Section 1 of this act. The result of the laboratory test shall not be stated upon the certificate form.

Sec. 3. For the purpose of this act, a standard serological test for syphilis shall be the test approved by the Department of Public Health, and shall be made in the laboratory of the Department of Public Health or in a laboratory approved by said Department. The laboratory of the Department of Public Health shall make such tests as are required without charge, on the request of any licensed physician, provided the physician shall designate the sample as taken for a premarital test.

Sec. 4. Upon a separate form to be provided by the Department of Public Health, a detailed report of the examination or standard serological test, showing the result of the examination or test, and together with the certificate form, shall be transmitted by the laboratory to the physician submitting the sample or samples. If the laboratory making the test or tests is not operated by the Department of Public Health, it shall forward the results of such tests at weekly intervals to the Department of Public Health. The report containing the result of the examination or standard serological test shall be held in absolute confidence, and shall not be open to public inspection.

Sec. 5. Any judge of the district court within the county in which the license is to be issued is hereby authorized and empowered, on joint application by both applicants for a marriage license, to waive the requirements as to medical examinations, laboratory tests, and certificates, and to order the licensing officer to issue the license, if all other requirements of the marriage laws have been complied with, and if the judge is satisfied by affidavit or other proof that an emergency or other sufficient cause for such action exists and that the public health and welfare will not be injuriously affected thereby. There shall be no fee or court costs for these court proceedings, and all records connected therewith shall be held in absolute confidence and shall not be open to public inspection, and the hearings on the application shall not be made in public.

The order of the court shall be filed by the licensing authority in lieu of the certificate form. In every such case the clerk of the court shall transmit to the Department of Public Health a transcript of the record and the court order thereon for such follow-up as is required by law or deemed necessary for the protection of the public health.

Sec. 6. Any person who misrepresents any fact required to be stated on the certificate form or other form required by this act, or any licensing officer who issues a marriage license without having received the certificate forms or any order from the court as provided by this act, or who has reason to believe that any of the facts thereon have been so misrepresented, and shall nevertheless issue a marriage license, or any person who otherwise fails to comply with the provisions of this act shall be guilty of a misdemeanor.

ADVERTISEMENT OF CURES FOR SEXUAL DISORDERS

Section 38-601. ADVERTISING TREATMENTS OR CURES UNLAWFUL.-- It shall be unlawful for any person to publish or cause to be published, to deliver or distribute or cause to be delivered or distributed in any manner whatsoever, or to post, or display, or to permit to be posted, displayed, or to remain on any buildings, windows or outhouses, or premises or other surface owned or controlled by him in the State of Idaho, or to have displayed in or on any window or place where the same could be read by passers-by or the public, any advertisement, label, statement, print, or writing which refers to any person or persons from whom, or to any means by which, or to any office or place at which may be obtained any treatment or

cure of syphilis, gonorrhea, chancroid, lost manhood, sexual weakness, lost vitality, impotency, seminal emissions, pleet, varicocoele, or self-abuse, whether described by suchnames, words, terms, or phrases, or by any other names, words, terms, or phrases, calculated or intended to convey to the reader the idea that any of said diseases, infirmities, disabilities, conditions, or habits are meant or referred to, or which refers to any medicine, article, device or preparation that may be used for the treatment, cure, or prevention of any of the diseases, infirmities, disabilities, conditions or habits mentioned in this chapter.

Section 38-602. PERSON CONSTRUED.--The word "person" as used herein, shall mean and include natural persons, copartnerships, corporations and associations, and shall include persons of both sexes.

Section 38-603. EXEMPTIONS FROM CHAPTER.--This chapter shall not apply to publication, advertisement, or notices of the United States government, the State of Idaho, or of any city in the State of Idaho.

Section 38-604. PENALTY FOR VIOLATIONS.--Any person violating any of the provisions of this chapter shall be punished by a fine of not more than \$500.00, or by imprisonment in the county jail for not more than six months or by both such fine and imprisonment.

PREVENTION OF BLINDNESS IN INFANTS

Section 38-701. INFLAMMATION OF EYES OF NEW-BORN DEFINED.--Any inflammation, swelling, or unusual redness in either one or both eyes of any infant, either apart from, or together with any unnatural discharge from the eye or eyes of such infant, independent of the nature of the infection, if any, occurring at any time within two weeks after the birth of such infant, shall be known as "inflammation of the eyes of the new-born" (Ophthalmia neonatorum).

Section 38-702. REPORT TO HEALTH OFFICER--WARNING OF DANGER--TREATMENT OF INDIGENT CASES.--It shall be the duty of any physician, surgeon, obstetrician, midwife, nurse, maternity home or hospital of any nature, parent, relative and persons attendant on or assisting in any way whatsoever any infant, or the mother of any infant at childbirth or any time within two weeks after childbirth, knowing the condition hereinabove defined to exist, immediately to report such fact in writing, to the local health officer of the county, city, town, magisterial district or whatever other political division there may be within which the infant or the mother of any infant may reside. Midwives shall immediately report conditions to some qualified practitioner of medicine and thereupon withdraw from the case except as they may act under the physician's instructions. On receipt of such report, the health officer, or the physician notified by a midwife, shall immediately give to the parents or persons having charge of such infant a warning of the dangers to the eye or eyes of said infant, and shall for indigent cases provide the necessary treatment at the expense of said county, city, or town.

Section 38-703. GERMICIDE TO BE INSTILLED IN EYES OF NEW-BORN BABY.--It shall be unlawful for any physician or midwife practicing midwifery to neglect, or otherwise fail to instill or have instilled immediately upon its birth, in the eyes of the new-born babe, some germicide of proved efficiency in preventing the development of ophthalmia neonatorum.

Section 38-704. STATEMENT IN REPORT OF BIRTH.--Every physician or midwife shall, in making a report of a birth, state whether or not the above germicide was instilled into the eyes of said infant.

Section 38-705. DUTIES OF LOCAL HEALTH OFFICER.--It shall be the duty of the local health officer:

1. To investigate, or have investigated, each case as filed with him in pursuance of the law, and any other cases as may come to his attention.

2. To report all cases of inflammation of the eyes of the new-born, and the result of all such investigation as the Department of Public Welfare shall direct.

3. To conform to such other rules and regulations as the Department of Public Welfare shall promulgate for his further guidance.

Section 38-706. DUTIES OF DEPARTMENT OF PUBLIC WELFARE.--It shall be the duty of the Department of Public Welfare:

1. To enforce the provisions of this chapter.

2. To promulgate such rules and regulations as shall, under this chapter, be necessary for the purpose of this chapter, and such as the Department of Public Welfare may deem necessary for the further and proper guidance of local health officers.

3. To publish and promulgate such further advice and information concerning the dangers of inflammation of the eyes of the new-born as is necessary for prompt and effective treatment.

4. To furnish copies of this law to all physicians and midwives as may be engaged in the practice of obstetrics, or assisting at childbirth.

5. To keep a proper record of any and all cases of inflammation of the eyes of the new-born as shall be filed in the office of Department of Public Welfare in pursuance of this law, and as may come to their attention in any way, and to constitute such records a part of the annual report to the governor.

6. To report any and all violations of this chapter as may come to their attention to the prosecuting attorney of the county wherein said misdemeanor may have been committed, and to assist said official in any way possible, as by securing necessary evidence, et cetera.

7. To furnish birth certificates which shall include the question "Did you comply with section six of this act? If so, state what solution used."

Section 38-707. BIRTH REPORTS NOT SHOWING COMPLIANCE--CERTIFICATION TO PROSECUTING ATTORNEY.--It shall be the duty of the clerk of the county court of each county on or before the fifteenth day of each month to certify to the prosecuting attorney of his county all reports of births filed during the preceding calendar month which fail to show that the solution hereinbefore provided for was instilled.

Section 38-708. PENALTY FOR VIOLATION.--Whoever being a physician, surgeon, midwife, obstetrician, nurse, manager or person in charge of a maternity home or hospital, parent, relative or person attending upon or assisting at the birth of an infant, violates any of the provisions of this chapter, shall be deemed guilty of misdemeanor, and upon conviction thereof shall be fined a sum of not less than ten dollars nor more than \$100.00.

HOSPITALIZATION OF TUBERCULOSIS PATIENTS

Section 38-401. CONTRACTS WITH HOSPITALS.--The Department of Public Health of the State of Idaho, in addition to all other powers granted it by law, is hereby authorized and empowered to enter into contracts with hospitals meeting the minimum standards set forth by the American Hospital Association, located within the State of Idaho, for the care and treatment of persons suffering from active tuberculosis when such person or persons have been designated for such care and treatment as hereinafter provided.

Section 38-402. TERMS DEFINED.--Words and terms employed in this chapter shall be held to mean and be construed as follows:

"a. Words used in the masculine gender shall include the feminine.

"b. The word 'hospital' shall include institutions established for the care of the sick which meet the minimal standards set forth by the American Hospital Association for such institutions.

"c. The words 'Department of Public Welfare' shall include the 'commissioner' of said department.

"d. The words 'applicant' or 'petitioner' as used herein shall include a parent or guardian seeking care and treatment on behalf of a child, ward, or incompetent person.

"e. The term, 'tuberculosis specialist' as used in this chapter shall mean a person appointed by the commissioner of public welfare as such under the provisions of this chapter.

"f. The terms 'physical and clinical findings' shall mean the physical findings recorded after a personal examination by a county physician or any physician duly licensed to practice medicine under the laws of the State of Idaho, or as may be required by regulations promulgated by the Department of Public Welfare.

Section 38-403. DESIGNATION FOR CARE AT HOSPITAL--AUTHORIZING SEGREGATION OF NON-RESIDENTS AND RESIDENTS FOR LESS THAN ONE YEAR--SEGREGATION FOR PROTECTION OF PUBLIC HEALTH--PROCEDURE.--Any person who has been a resident of the State of Idaho continuously for one year immediately prior to the making application therefor, may upon his personal petition or upon the petition of his parent or guardian be designated for care and treatment at a hospital, mentioned in Section 38-401 and at the expense of the state and county, (each bearing equal shares, save as to transportation) upon compliance with the procedure hereinafter set forth.

In the interests of public health and for the protection of the public, the said Department of Public Health and the Commissioner thereof is hereby empowered and authorized to segregate and hospitalize any person, who, although a resident of the State of Idaho, has not resided in the State of Idaho continuously for one year immediately prior to such time, upon the personal petition of any such person or upon the petition of his parent or guardian, and the Commissioner of Public Health if he deem it in the interests of public health and necessary for the protection of the public may designate any such person for care and treatment at a hospital, mentioned in Section 38-401 and at the expense of the state and county (each bearing equal shares, save as to transportation) and such application for hospitalization by any such person shall be made in accordance with the procedure hereinafter set forth.

The Department of Public Health, and the Commissioner thereof, is hereby further empowered to segregate and hospitalize any non-resident in the interests of public health and for the protection of the public until any such non-resident may be returned to the place of his permanent residence, and upon the personal petition of such non-resident or upon the petition of his parent or guardian, and if the Commissioner of Public Health deem it in the interests of the public health and necessary for the protection of the public that such non-resident be segregated and hospitalized, such non-resident may be designated by the said Commissioner of Public Health for segregation at a hospital, mentioned in Section 38-401 and at the expense of the state.

Such applicant shall file a petition duly verified under his oath with the Department of Public Health setting out the following: His name, age, and place of residence, and if a resident of this state, the period of such residence, and that he is suffering from active tuberculosis; that he is unable to pay for such care and treatment, either in whole or in part, and desires to secure the same under the provisions of this chapter. Said petition shall also set out an itemized statement of all property owned by said petitioner or by the parent or guardian (if a guardian of the person and estate or guardian of estate only) and the reasons why said applicant is financially

unable to pay for his own care and treatment in whole or in part. Attached to such petition shall be the certificate of the "tuberculosis specialist," herein provided for, certifying that has personally examined the "physical and clinical findings" of such person, and that in his opinion such person is suffering from active tuberculosis, and would be benefited through hospitalization and treatment. Such certificate of the said "tuberculosis specialist" shall further set forth whether in the opinion of the said "tuberculosis specialist" it would be in the interests of the public health and necessary for the protection of the public that any such person be hospitalized and treated.

The said Commissioner of Public Health shall upon the filing of such petition as hereinabove provided with the said Department of Public Health on the basis of such petition and upon such other and further proof and evidence, either oral or documentary, as he may require, determine whether or not any such person shall be hospitalized and treated as in this chapter provided and may order that any such person should be hospitalized and treated. Upon such order the said Commissioner of Public Health shall submit the petition of any such person, such other documentary proof and evidence as may have been required by the said Commissioner of Public Health, and such order to the chairman of the Board of County Commissioners of the county wherein the said person to be hospitalized and treated resides, if a resident of the State of Idaho. At the earliest convenient time thereafter, the Board of County Commissioners of the county wherein such applicant resides on the basis of such application, such proof and documentary evidence as may have been required by the Commissioner of Public Health, and the said order of the Commissioner of Public Health and after requiring such further proof as they may deem necessary, shall make their order either agreeing or declining to contribute to the expenses of such hospitalization and care for any such person, and such order of said Board of County Commissioners shall be endorsed on the order theretofore made by the said Commissioner of Public Health, and promptly thereafter the said Board of County Commissioners shall return such application, documentary proof and order with the action of the said Board endorsed thereon to the Department of Public Health. If such action of the Board of County Commissioners be adverse to the finding and order of the Department of Public Health, and the said Board of County Commissioners decline to contribute to the expenses of hospitalization and treatment of any resident, the said Commissioner of Public Health may appeal to the district court in and for the county wherein any such applicant resides in the same manner as is herein provided for the appeal of any applicant, and if upon such appeal, said district court be satisfied that the applicant is a resident of such county, is entitled to such treatment and hospitalization and is unable to pay for the same, in whole or in part, the said district court shall make its order requiring said Board of County Commissioners to contribute to such expense of hospitalization and care as herein provided.

Provided that if the Board of County Commissioners of the County wherein any such applicant resides declines to contribute to the expenses of hospitalization and treatment, the said Commissioner of Public Health may segregate and hospitalize at the expense of the state and without contribution from the county any applicant whenever the said Commissioner shall deem it necessary for the protection of the public health that any

such applicant be segregated and hospitalized, and such power to so segregate and hospitalize may be exercised by said Commissioner in lieu of an appeal to the district court as herein provided, or after such appeal if the district court does not order the Board of County Commissioners to contribute as herein provided.

Section 38-404. TIME AND MANNER OF APPEALING FROM ADVERSE ACTION BY DEPARTMENT OF PUBLIC HEALTH OR BY COUNTY DEPARTMENT OF PUBLIC HEALTH OR BY COUNTY COMMISSIONER--HEARING UPON APPEAL.--Any person dissatisfied with the action of the Department of Public Health or of the Board of County Commissioners on any application hereunder may appeal therefrom to the district court of the county wherein he resides at any time within thirty days after the rendition of the adverse ruling or order by either such Department of Public Health or said Board of County Commissioners. Such appeal shall be taken by filing a notice thereof in the district court and serving a copy thereof on each the Department of Public Health and Board of County Commissioners. Such notice shall be in such form as to indicate to the Department of Public Health and to the Board of County Commissioners that such party is objecting to the action taken by either the Department of Public Health or the Board of County Commissioners and that the applicant desires to appeal therefrom and no particular form shall be required or prescribed for such notice of appeal.

When a party so appeals to the said district court a hearing upon the petition of the applicant shall be tried anew in the district court. Upon receiving such notice of appeal, the Department of Public Health must transmit within five days from the filing of such notice to the clerk of the district court of the county wherein such applicant resides, the original petition, application and such other documentary proof and evidence as may have been required by either the Department of Public Health or said Board of County Commissioners and the order of the Department of Public Health and the said Board of County Commissioners. The clerk of the district court in and for the county wherein applicant resides shall receive and file such appeal, without fee, and the judge of said court shall at the earliest convenient time thereafter, hear testimony in support of said petition and appeal, and if he shall be satisfied from the evidence adduced at such hearing that said petitioner is suffering from said disease in an active stage, and is financially unable to pay the cost and expense of his care and treatment, in whole or in part, he shall make an order directing that the said person be treated and cured for at the expense of the state and county, under the provisions of this chapter. It is the intent hereof that such hearing shall be informal and solely for the purpose of establishing the facts of the petition as to whether or not the petitioner is entitled to such treatment and care and is unable to pay for the same, in whole or in part, and it shall not be necessary that an attorney represent such petitioner at such hearing.

Section 38-405. EXPENSES OF TRANSPORTATION.--The county of which said petitioner or applicant is a resident shall pay the cost and expense of the transportation of a person designated for such care and treatment to and from his or her home to said institution with which said department shall have entered into a contract for the care and treatment of such persons.

Section 38-406. EXAMINATION OF APPLICANTS.--REPORT OF FINDINGS--APPROVAL OR DISAPPROVAL.--It shall be the duty of the county physician of each county to examine, without cost, all persons who desire to make application to be treated and cared for under the provisions of this chapter, and to make "physical and clinical findings" on such forms and under such regulations as may be prescribed by the Department of Public Welfare, and transmit the same to said department where said findings and records shall be passed upon by the "tuberculosis specialist" herein provided for, and the "public health advisor," who shall thereupon either approve or disapprove the same, and if they approve, shall return the same with their conclusions to be attached to said petition for filing in said district court.

Section 38-407. ORDER OF COURT--ASSIGNMENT OF PATIENT TO HOSPITAL.--A true copy of the order of the court, above-mentioned, shall be at once transmitted by the clerk to the Department of Public Welfare and another delivered to said petitioner, if designated for care and treatment. The commissioner of said department shall file said order which shall be authority for him to issue instructions to the county commissioners of the county from which said patient comes, assigning said patient to an institution with which he has contracted, and his assignment thereto shall be final.

Section 38-408. TUBERCULOSIS SPECIALIST--APPOINTMENT AND REMOVAL--SALARY--ADDITIONAL MEDICAL SERVICES.-- For the purpose of carrying out the provisions of this chapter, the commissioner of public welfare is hereby authorized and directed to appoint a 'tuberculosis specialist.' Said tuberculosis specialist shall be a physician recognized by the national tuberculosis association as a tuberculosis specialist. He shall be subject to the supervision, direction and control of the commissioner of public welfare, shall be removable at the pleasure of said commissioner, and his duties shall be such as are specified in this chapter. The salary of said tuberculosis specialist shall be fixed by the commissioner of public welfare at not more than \$250 per month, and in view of the maximum limits of such compensation, he shall be required to devote only such part of his time to the duties of such employment as are required for the performance thereof and may, outside the time required for the discharge of said duties, have other business or employment. The commissioner may also, within the limits of the appropriation available therefor, employ such additional medical services and assistance as he may deem necessary to fully carry out this chapter.

Section 38-409. DUTIES OF TUBERCULOSIS SPECIALIST.-- In addition to other duties prescribed, it shall be duty of said tuberculosis specialist without compensation other than herein provided, to make a careful physical examination of all applicants on admission to hospitals under this chapter, and at the time of their discharge and at such other times as may be required, to keep such records and make such reports to the commissioner concerning patients receiving treatment hereunder and of all applicants hereunder as said commissioner shall direct, to attend all persons who are admitted to hospitals for treatment, under this chapter, and prescribe

and supervise their care and treatment in such hospitals, and to perform such other duties as are elsewhere in this chapter provided or as may be required of him by the commissioner of public welfare in carrying out the terms and provisions hereof.

Section 38-410. RULES AND REGULATIONS--COMMISSIONER OF PUBLIC WELFARE.--The commissioner of public welfare shall have power to make and enforce, in addition to the rules and regulations for which specific provision is herein made, all such rules and regulations not inconsistent with the provisions of this chapter as may be necessary and/or convenient to fully carry out its terms and provisions, and he shall keep a full and complete record of all applications made for treatment hereunder and of all persons receiving such treatment.

Section 38-411. APPORTIONMENT OF EXPENSE TO COUNTY.--The Boards of County Commissioners of the various counties of the state are authorized and empowered to pay for one-half of the cost of the care and treatment of any resident of their county under the provisions of this chapter, and to the extent specified herein, and also to provide transportation to and from such hospitals for the applicants residing in their county, and pay the same from the general fund of the county. Provided that any applicant desiring to voluntarily contribute any part of portion of the expenses required for his hospitalization and treatment, may make such contribution to the Department of Public Health, and only the remaining expense of such hospitalization and treatment shall be divided equally between the state and county.

Section 38-412. DESIGNATION AS APPROVED HOSPITAL--STANDARDS.--The commissioner of public welfare shall, with the approval and concurrence of the state medical advisor and the tuberculosis specialist, promulgate and establish uniform standards and specifications for determining whether or not a hospital is suitably equipped, managed, conducted and operated for the care and treatment of tuberculosis, under this chapter, which standards and specifications may, in like manner, be from time to time altered and amended. Any hospital located in the State of Idaho which meets the minimum standards set forth by the American Hospital Association and which:

"1. Complies with such standards and specifications; and,

"2. Files with the commissioner a schedule of rates for which it agrees to render hospital service under this chapter, and which rates are approved by the commissioner, shall on application, be designated by said commissioner as an approved hospital for the purpose of this chapter, subject to revocation at any time it ceases to meet such standards and specifications. The decision of the commissioner of public welfare, concurred in by said state medical advisor and the tuberculosis specialist as to what constitutes compliance or noncompliance under this section shall be final.

Section 38-413. INSPECTION OF HOSPITALS--TERMS OF CONTRACTS--REPORT OF COMMISSIONER OF PUBLIC WELFARE.--The commissioner of the Department of Public Welfare shall at such intervals as he deems necessary visit and inspect or cause to be visited and inspected, such institutions or the places of care and treatment of the persons with whom he has entered into contracts on behalf of the state as herein provided to determine whether or not the patients of the State of Idaho lodged thereat are being well and properly cared for and treated, and all contracts entered into in accordance with the provisions of this chapter shall provide that he may without notice or penalty remove any or all such patients if in his judgment they are not receiving proper care and treatment. Said contract shall also provide that the State of Idaho shall in no event be obligated to pay more than one-half the cost and expense of the care and treatment of any person lodged at such hospital.

It shall be the duty of the commissioner of public welfare to include in his report to the governor, and at such other times as demand may be made therefor, the names and original places of residence of the persons under treatment and care as provided by this chapter, together with names of any person or persons who may have died at or been discharged therefrom, and make full report of his administration of this chapter.

Section 38-415. FILING OF APPLICATION--TIME OF ADMISSION--APPORTIONMENT OF FUNDS.--Every application shall be filed by the commissioner as part of the records of his office and qualified applicants shall be entitled to admission at the time and in the order designated by the commissioner. In making such designations, the commissioner shall apportion the funds paid by the state as equitably as possible between the various counties, taking into consideration their respective populations, the prevalence of tuberculosis therein and the condition of the particular applicant; and he shall also govern such designations, so far as practicable, so that the charges incurred against the appropriation herein made shall be substantially uniform from month to month during the present biennium.

Section 38-416. CERTIFICATION OF CLAIMS UNDER APPROPRIATION IN SECTION 38-414.--The tuberculosis specialist shall certify to the commissioner of public welfare, all claims against the appropriation herein made which have been incurred by or under his authorization or direction, and the said commissioner, as the head of the department, is authorized to certify all claims lawfully payable from the appropriation herein made, to the state auditor and to the state board of examiners for allowance or rejection as in the case of all other claims against the state and all claims duly allowed shall be paid by warrants drawn by said auditor on the state treasurer as in other cases.

Section 38-417. ENABLING THE STATE OF IDAHO TO ACCEPT FEDERAL AID.--The State of Idaho is hereby authorized to cooperate with the Federal Government or any established agency thereof, in any program for the hospitalization, care and treatment of tuberculosis patients. The Commissioner of Public Health is hereby empowered to accept any advisable program and to make any necessary regulations which are not in contravention of the purposes of this Act. The Treasurer of the State of Idaho is hereby authorized and directed to accept any funds or grants in aid from the Federal government for hospitalization, care and treatment of tuberculosis patients and to hold said funds in a special trust fund hereby created, which shall be known as the "Anti-tuberculosis Fund." Expenditures from such fund shall be in manner provided by law and in conformance with the provisions of Federal requirements.

Chapter 79, Session Laws 1941

Be It Enacted by the Legislature of the State of Idaho:

Section 1. A hospital for the care and treatment of persons having tuberculosis shall be established, remodeled, and equipped by the State of Idaho upon certain property belonging to Gooding College of the Methodist Episcopal Church, situated near the City of Gooding, in Gooding County, State of Idaho, described as acreage tracts 26, 31, 32 and 37 South Gooding Acreage, containing approximately 40 acres of land, provided that said property together with the water rights appurtenant thereto and all building and appurtenances thereon be, within ninety (90) days after the enactment of this bill, donated to the State of Idaho free and clear of all mortgages and other incumbrances thereon.

Sec. 2. For the purpose of making available additional funds for assisting in carrying out the provisions of this act the Department of Public Welfare of the State of Idaho is hereby authorized to accept for and on behalf of the State of Idaho from any department or agency, or other instrumentality of the United States Government, a grant or donation of money for the remodeling, equipment and/or operation of said hospital, and to use the same for such remodeling, equipment and/or operation.

Sec. 3. As soon as practicable after the acquirement of the site and the title thereto, the Department of Public Welfare shall proceed with the remodeling and equipment of said hospital, procedure to be regulated by stipulations concerning construction of public buildings.

Sec. 4. The Division of Public Health, of the Department of Public Welfare, in addition to all other powers granted it by law, is hereby authorized, empowered and directed to assume responsibility for the direction, operation, and control of the hospitalization of tuberculosis patients in said hospital.

Sec. 5. In the event the functions now vesting in the Division of Public Health, of the Department of Public Welfare, shall hereinafter vest in or be transferred to any other office or department, the powers and duties of the Division of Public Health shall likewise vest in such office or department.

Sec. 6. The provisions of this Act are hereby declared to be severable, and if any provisions of this Act or application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions or applications of the Act which can be given effect without the invalid provision or application.

Sec. 7. Chapter 204, Idaho Regular Session Laws, 1937, is hereby repealed.

36-101. DUTIES OF OFFICERS OF DEPARTMENT OF PUBLIC WELFARE.--It shall be the duty of the Department of Public Welfare to enforce all laws of this state so far as they may relate to the healthfulness and purity of such products, regarding the production, manufacture, or sale of dairy products, foods, meats, drinks, drugs and illuminating oils.

DAIRIES AND DAIRY PRODUCTS

Section 36-401. NAMES OF DAIRYMAN TO BE POSTED.--All wholesale dairymen and other persons having stationary places of business, keeping and offering for sale milk, shall at all times keep the name or names of the dairyman or dairymen, from whom the milk on sale shall have been obtained, posted in a conspicuous place where such milk may be sold or kept for sale.

Section 36-402. DAIRIES TO BE INSPECTED AND RATED.--It shall be the duty of the Department of Public Welfare to cause to be visited as frequently as it may deem necessary all dairies supplying dealers and consumers with milk, and inspect and score the same according to the score card authorized by the Bureau of Animal Industry of the United States Department of Agriculture. A copy of the score card shall be left with the owner and such information given as will assist the producer to improve the sanitary conditions or remedy such defects as the score card indicates. A copy of the score card shall be kept on file in the office of the department.

Section 36-403. EXCLUDING POOR MILK FROM SALE.--Milk and cream from dairies falling below fifty in the rating as indicated by the score card are hereby excluded from sale, or being offered for sale.

Section 36-404. MILK WAGONS TO BE KEPT CLEAN.--Every person using, in the sale or distribution of milk, a delivery wagon, or other vehicle, shall keep the same at all times clean and free from any substance liable to contaminate or injure the purity of the milk.

Section 36-405. MILK WAGONS TO BE COVERED.--Every person, firm or corporation using, in the sale or distribution of milk, a delivery wagon, or other vehicle shall, from May 1 to September 30, inclusive, each year, have and keep over said delivery wagon or other vehicle a covering of canvas or other material so arranged as adequately to protect the contents from the heat of the sun.

Section 36-406. MILK MUST BE BOTTLED IN MILK HOUSES.--No person, firm or corporation shall bottle any milk upon a delivery wagon or vehicle or in any place other than a milk house, dairy or other building where milk is regularly stored and sold.

Section 36-407. (as amended) CARE AND USE OF CONTAINERS FOR DELIVERING MILK AND CREAM.--* * * Every person, not a common carrier, who receives in containers from a private or common carrier any milk, cream, or product thereof, intended for human consumption, and which containers are to be returned to the producer, shipper,

consignor, distributor or manufacturer, shall cause the containers to be thoroughly cleansed and sterilized by boiling water or superheated steam before returning the same. All containers, in which milk or any produce of milk is kept, stored, transported or delivered shall be sound, smooth, free from rust or open seams, and at all times kept in a condition which will permit thorough cleansing of all surfaces with which the milk or its products come in contact. Containers commonly used and intended to be further used for the reception, storage, or delivery of milk, cream, or products thereof, intended for human consumption, shall not be used for any other purpose. All containers delivered or returned to the producer by the manufacturer, retailer, or distributor of milk, for the reception of milk, cream, or products thereof, intended for human consumption, shall be kept by the producer, whether the same be owned by the producer, manufacturer or distributor, in a clean, sanitary and sterile condition.

Section 36-408. (as amended) MILK MUST BE BOTTLED.--* * *. No person, firm or corporation shall give, furnish, sell or offer for sale, or deliver any milk, buttermilk, whey, sour milk, skim milk, or cream in quantities less than one gallon, except in sanitary bottles, sealed with suitable cap or stopper. * * * The milk house, dairy or other place * * * shall be a room which is not used for any other purposes than the handling and sale of milk, or milk products.

Section 36-409. CANS MUST BE WASHED AND SCALDED.--Any person, firm or corporation who receives milk or cream, ice cream, or other milk food products, in bottles, cans, vessels, or other milk food receptacles, before returning the same empty, shall cause said cans, bottles, vessels, or other milk food receptacles to be thoroughly washed, cleaned, steamed or scalded and aired.

Section 36-410. EMPTY BOTTLES FROM QUARANTINED PREMISES.--No person, firm or corporation shall remove from any dwelling in which any communicable disease exists any bottles or other receptacles which have been or which are to be used for containing or storing milk, except by permission of the local health officer.

Section 36-411. REFILLING BOTTLES OWNED BY OTHERS.--It shall be unlawful to fill or refill with milk, cream or other milk product, any glass jar or bottle having the name of any person, firm or corporation blown therein or any private mark or marks irremovably branded, stamped, etched, or blown therein: Provided, that the provision of this section shall not extend to the person, firm or corporation whose own name or mark is blown in such jar or bottle or to a duly authorized agent or employee of such person, firm or corporation.

Section 36-412. COLD STORAGE BUTTER MUST BE DATED.--All butter that is placed in cold storage shall have stamped or written on each box in solid black type, and easily discernible, the words "cold storage butter," together with the date when stored.

Section 36-413. SALE OF DILUTED MILK FORBIDDEN.--No milk adulterated, reduced or changed in any respect by the addition of water or other substances, or by the removal of cream, except as herein-after provided, shall be sold or offered for sale; nor shall any person, firm or corporation keep, have, sell or offer for sale, or have in his, their or its possession with intent to sell, any such milk.

Section 36-414. (as amended) MILK DEEMED TO BE ADULTERATED.--Milk shall be deemed to be adulterated in any one of the following cases:

1. Milk containing more than eighty-nine per cent of water or fluid.

2. Milk containing less than eight per cent of milk solids other than fat.

3. Milk containing less than three and two-tenths per cent of butter fat.

4. Milk drawn from animals within fifteen days before or four days after parturition.

5. Milk drawn from animals fed on * * * * any substance in a state of putrefaction or rotteness or any unwholesome food.

6. Milk drawn from cows kept in a crowded, insanitary or unhealthy condition.

7. Milk from which any part of the cream has been removed.

8. Milk which has been diluted with water or any other fluid, or to which has been added, or into which has been introduced, any foreign substance whatever.

9. Milk which has not been properly cooled to a temperature lower than fifty-eight degrees Fahrenheit, or which contains an excess of bacteria; provided, that all milk found not to have been so cooled to a lower temperature than fifty-eight degrees Fahrenheit, the Department of Public Welfare may seize, confiscate and destroy.

10. Milk having a specific gravity of less than 1.029 at sixty degrees.

11. Milk containing any pathogenic bacteria.

12. Milk containing any boracic or salicylic acid, formaldehyde or other foreign chemical, or any preservative whatsoever.

13. Milk containing any bacteria of any kind more than 500,000 per cubic centimeter.

14. Milk drawn from any cow having a communicable disease or from any cow or cows in a herd which contains any diseased cattle,

or from a cow or cows in a herd the attendants of which are afflicted with or have been exposed to any communicable disease.

15. Milk which shows a dark grey, black or other sediment at the bottom of any bottle or other vessel in which it is contained.

16. Milk kept in refrigerators with vegetables or other products, unless said milk is sealed in bottles.

Section 36-415. MILKMEN AFFLICTED WITH DISEASE.--Any milkman or dairyman being afflicted, or any member of whose family is afflicted, with a communicable disease, shall report the same to the state local health officer within twenty-four hours after he knows or has reason to suspect such communicable disease, and said health officer shall take such steps as are prescribed by the Department of Public Welfare for the prevention of the spread of said communicable disease by said milkman, dairyman, his family, hired help or their families.

Section 36-416. SELLING MILK FROM INFECTED PREMISES.--No milk or cream shall be sold or dispensed as food from any house, store, shop, dairy or other place in which there is a case of contagious or infectious disease, as aforesaid, until all danger of contagion has been removed, and permission in writing is obtained from the local health officer authorizing the sale of milk or cream, from said house, shop, or from said dairy, or other place.

The existence of smallpox, typhoid fever, diphtheria, scarlet fever, measles or other communicable diseases on or in the immediate vicinity of the dairy farm shall be promptly reported to the county health officer and by him to the Department of Public Welfare, and the sale of milk shall be stopped until its resumption is authorized as provided by law.

Section 36-417. MILK STORED IN INSANITARY CELLARS.--No person, firm or corporation shall store any milk in any basement, cellar, milk house, dairy, or other place unless such place is well lighted, ventilated, and in a sanitary condition, and if such room or space is in a cellar or subcellar, the same shall be properly concreted, guttered and drained.

Section 36-418. MILK KEPT NEAR INSANITARY PREMISES.--No person shall store any milk in any basement, cellar, refrigerator, milk house, dairy, or other place which is within fifty feet of any closet or privy vault or cesspool or any horse or cow stable or any chicken or poultry yard or coop.

Section 36-419. SKIMMED MILK--WHEN SALABLE.--No person shall sell, or offer for sale, or have in his possession with intent to sell, milk from which the cream has been removed, either in whole or in part, unless sold as skimmed milk, and unless on both sides of the vehicle from which said milk is sold there is displayed in letters not less than four inches in height the words "skimmed milk." If not sold from a vehicle, upon each and every vessel from

which said milk is sold, there shall be painted in letters at least two inches in height, or displayed in plain and legible manner, the words "skimmed milk."

Section 36-420. SKIMMED MILK--STANDARD.--No person shall sell or offer for sale, or have in his or their possession with intent to sell, any so-called skimmed milk containing less than nine and three-tenths per cent of milk solids and not to exceed an acidity of two-tenths per cent, and must be delivered to purchasers at the same temperature as provided in this chapter for sweet milk.

Section 36-421. SKIMMED MILK--MANUFACTURERS MAY HANDLE WHOLE-SALE.--Manufacturers who make affidavit in a form to be prescribed by the Department of Public Welfare that the skimmed milk they handle will not be sold at retail as milk, but solely used for manufacturing purposes, shall be exempt from the foregoing provision.

Section 36-422. STABLE FOR CREAM.--No person, firm or corporation shall keep, sell or offer for sale or have in his or their possession with intent to sell, any cream to which any foreign substance has been added or containing less than eighteen per cent butter fat, and when sold to any person, firm or corporation, must be truly represented as to being "coffee" or "whipping cream," with an acidity not greater than twenty-five hundredths of one per cent. The term "cream" means that portion of milk representing milk fat which rises to the surface of milk standing, or is separated from it by centrifugal force, and which is fresh and clean.

Section 36-423. WEIGHT OF MILK.--A pint of milk shall weigh one pound strong and a quart of milk shall weigh two pounds strong and shall not be sold otherwise.

Section 36-424. PENALTIES.--Any person, or persons, corporation or corporations violating, or who shall fail to comply with the preceding section, numbered 36-401 to 36-423 inclusive, or any part, provision or section thereof, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not less than ten dollars and not exceeding \$300.00, or by imprisonment in the county jail for a period not exceeding six months, or both such fine and imprisonment.

Section 36-425. REPORTS BY DAIRIES, CREAMERIES AND CHEESE FACTORIES.--The Department of Public Welfare shall furnish blanks to all proprietors or managers of creameries, cheese factories or milk dairies that ship milk, and all vendors and peddlers of milk and dairy goods handled, and all owners or managers of such creameries and cheese factories, and all milk dairies and all milk vendors, or milk peddlers shall fill out the blanks, giving a full and accurate report of the business done during the year, and send them to the Department of Public Welfare before the first day of November of each year. Every person or corporation who shall engage in the business of purchasing or dealing in milk shall attach in a permanent manner to each can furnished by him or the producer, a tag containing in plain figures a correct statement of the capacity thereof. Any neglect or failure or false statement on the part

of the proprietor or manager of such creamery, cheese factory, dairy or milk vendor or milk peddler, shall be considered a misdemeanor, and upon conviction thereof the person guilty shall be punished as provided in section 36-109: Provided, that any information thus furnished shall be published only in such form as to show totals and averages, and not the details of the business of any individual or concern.

Section 36-426. TEST OF CREAM CHEESE.--Cream cheese under this chapter shall contain not less than thirty per cent of pure butter fat and shall have been manufactured from pure and wholesome milk, from which no portion of the butter fat shall have been removed by skimming or by other process, and in the manufacture of which neither butter nor any substance for butter, or any animal or vegetable fats or oils, have been used, or any fat which has been extracted from milk in any form and returned for the purpose of filling said cheese. All cheese containing less than thirty per cent of pure butter fat shall be marked "skimmed cheese" in full face capital letters not less than one inch high with such ink as is not easily removed by moisture. The manufacture or sale of any cheese containing less than fifteen per cent of pure butter fat, or so-called "filled cheese," is hereby prohibited: Provided, that nothing in this section shall be construed to apply to Wam, Brickstein, pineapple, Limburger or Swiss cheese, or handmade cheese, or any other fancy cheese: Provided, further, that cheese not made in this state, but which shall be sold or offered for sale in this state, shall be so stamped as to indicate its true character: and, provided further, that no cheese shall be stamped "full cream" which does not in every particular comply with the requirements of full cream cheese, as hereinbefore set forth.

36-427. SALE OF CHEESE CONTAINING FOREIGN SUBSTANCES UNLAWFUL.--It shall be unlawful for any person to sell or offer for sale or exchange, or have in his possession for sale, any cheese containing any substance except salt, rennet and harmless vegetable coloring matter, other than that produced from pure milk or cream, or both, or from pure skimmed or pure half-skimmed milk.

36-428. FRAUDULENT SALE OF IMITATION BUTTER A MISDEMEANOR.--Every person who sells or keeps for sale, or offers for sale, or otherwise disposes of, oleomargarine, butterine, mixture imitating butter, or adulterated butter, under the name of or under the pretense that the same is butter, or keeps for sale or manufactures oleomargarine, butterine, mixture imitating butter, or adulterated butter, without branding the same or the package in which it is contained, on the outside thereof, with the word "oleomargarine," "butterine," or "adulterated butter," is guilty of a misdemeanor.

36-429. USE OF IMITATION BUTTER IN EATING HOUSES PROHIBITED.--EXCEPTIONS.--No person, by himself, his agents, or his servants, shall render or manufacture, sell, offer for sale, expose for sale, or have in his or their possession with intent to sell or serve to patrons, guests, boarders, or inmates of any hotel, eating house, restaurant, public conveyance or boarding house or public or private hospital,

asylum, school or eleemosynary or penal institution, any article, product, or compound made wholly or partly out of any fat, or oil, or oleaginous substance or compound thereof, not produced directly and wholly at the time of manufacture from unadulterated milk or cream from the same, with or without harmless vegetable coloring matter, which shall be in imitation of yellow butter produced from pure, unadulterated milk or cream from the same: Provided, that nothing in this chapter shall be construed to prohibit the manufacture and sale of oleomargarine in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from coloration or ingredient which causes it to resemble butter, or the use of the same by patrons, guests, boarders, or inmates of any hotel, eating house, restaurant, public conveyance, or boarding house, when signs are displayed in a conspicuous place that may be easily read from any part of the room.

Section 36-430. PENALTY FOR VIOLATING PRECEDING SECTIONS.--Any person, firm, corporation or other organization, foreign or domestic, or any officer, agent or receiver of any firm, corporation or other organization or any member of the same, or any individual, violating any of the provisions of sections 36-428 and 36-429, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$100.00 nor more than \$500.00 for each offense or by imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment, and, if a corporation, may have its charter or permit to do business in this state forfeited.

Section 36-431. SALES OF PROCESS BUTTER--RESTRICTIONS.--No person, firm or corporation shall manufacture, sell or offer for sale or have in his possession with the intent to sell, butter known as "process butter" unless the package in which the butter is sold has marked on the side of it the words "renovated butter" in capital letters one inch high and one-half inch wide, with ink, which is not easily removed: Provided, that it shall be unlawful for any retailer to sell said butter unless a card is displayed on the package from which he is selling butter, with the following words printed thereon, so that it may be easily read by the purchaser, to wit: "renovated butter"; or if it is sold in packages on which a wrapper is used, the words "renovated butter" shall be plainly printed on each and every wrapper: Provided further, that all process butter shipped from other states shall be subject to the same regulations as are provided in this section.

Section 36-432. (as amended) * * *DEFINING BUTTER AND PRESCRIBING QUALITY.--* * *Butter is the product made by gathering the fat of fresh or ripened milk or cream into a mass, which also contains a small portion of other milk constituents, with or without salt or a harmless coloring matter. Butter shall be clean and non-rancid and shall contain not less than eighty per cent (80%) of butter fat.

Section 36-433. WEIGHT OF BUTTER.--Each package of butter offered or exposed for sale shall have stamped upon the wrapper or package, the actual number of ounces contained in said package.

Each square or roll of butter kept, exposed or offered for sale in the State of Idaho, which is represented to contain one pound in weight, shall contain full sixteen ounces; and each square or roll of butter kept or offered for sale in the State of Idaho, which shall be represented to contain two pounds in weight, shall contain full thirty-two ounces.

Section 36-434. ADVERTISING SUBSTITUTES FOR DAIRY PRODUCTS.-- It shall be unlawful for any person, firm or corporation to make use of the words, milk, cream, butter, cheese, creamery, dairy, churn, cow, the name of any dairy breed or any pictorial representation of any of these terms in connection with the sale, offering for sale or advertisement of any substance designed to be used as a so-called substitute for milk, cheese, butter or any other dairy products.

Section 36-435. (as amended) PENALTY FOR VIOLATING PRECEDING SECTIONS.--Any person, firm or corporation, violating the provisions of sections 36-431 to 36-434, inclusive, or any part or provision of any of said sections, shall be guilty of a misdemeanor and punishable by a fine not exceeding \$200.00 or imprisonment in the county jail not exceeding six months or by both such fine and imprisonment.

Section 36-436. OLEOMARGARINE--PURCHASE FOR PUBLIC INSTITUTIONS UNLAWFUL.--It shall be unlawful for the state purchasing agent of Idaho, the county commissioners of any county, or any manager, managing officer or agent of any charitable, educational, penal or reformatory institution owned, or operated by or under the direction of, or operated in cooperation with, the State of Idaho, or any county of the state, to purchase, furnish or provide for use in such institution, any oleomargarine, oleomargarine products or any other substance made in imitation or semblance of butter or other dairy products.

Section 36-437. PENALTY FOR VIOLATING PRECEDING SECTION.--Any person violating the provisions of section 36-436 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding \$300.00.

FILLED MILK

Section 36-501. JURISDICTION OF DEPARTMENT OF PUBLIC WELFARE.-- The Department of Public Welfare shall have charge of the enforcement of this chapter.

Section 36-502. TERMS DEFINED.--Whenever used in this chapter the term "Person" shall include an individual, partnership, corporation or association. The term "filled milk" shall mean any milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or dessicated, to which has been added, or which has been blended or compounded with any fat or oil other than milk fat, so that the resulting product is in imitation or semblance of milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or dessicated. This definition shall not include any distinctive proprietary food compound not readily mistaken from milk or cream or for evaporated, condensed, or powdered milk or cream.

Section 36-503. FILLED MILK--MANUFACTURE AND SALE UNLAWFUL.-- It is hereby declared that filled milk as herein defined is an adulterated article of food, injurious to the public health, and its sale constitutes a fraud upon the public. It shall be unlawful for any person to manufacture or sell or offer for sale within the State of Idaho, any filled milk.

Section 36-504. PENALTY FOR VIOLATION.--Any person violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not more than \$1000, or imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

LABELS AND BRANDS FOR DAIRY PRODUCTS

Section 36-601. REGISTRATION OF BRANDS FOR DAIRY PRODUCTS.-- All persons, companies and corporations engaged in the transportation or manufacture of any dairy product or ice cream, or in bottling milk and cream for sale and use may adopt a mark or marks or ownership to be stamped or marked on any can, bottle, cask, keg, barrel or other receptacle used in the handling and transportation of any of said products, and may file in the office of the Secretary of State a description of the name or marks so used by them or either of them, and the use to be made of any such can, bottle, cask, keg, barrel or other receptacle, and cause the same to be published for two successive weeks in a weekly newspaper published and in general circulation in the State of Idaho.

Section 36-602. CHARACTER OF BRAND.--The brand or mark so selected and adopted as herein provided may consist of a name, design, mark or marks, or some particular color of paint or enamel, used upon the can, bottle, cask, keg, barrel, or other receptacle, or any part thereof.

Section 36-603. UNLAWFUL USE OF BRANDED RECEPTACLE.--It shall be unlawful for any person other than the rightful owner thereof to use any can, bottle, cask, keg, barrel or other receptacle marked or branded as herein provided, for any other purpose, or for the transportation or handling of any other article or product than designated or provided for by such branding.

Section 36-604. UNLAWFUL TO ADOPT BRAND OF ANOTHER.--It shall be unlawful for any person, company or corporation to adopt or use any brand or mark which has already been designated, appropriated or obtained under the provisions of this chapter.

Section 36-605. UNLAWFUL TO DEFACE OR REMOVE BRAND.--It shall be unlawful for any person other than the rightful owner thereof to deface or remove any such brand, mark, or stamp put upon any such can, bottle, cask, keg, barrel or other receptacle as herein provided.

Section 36-606. ENFORCEMENT OF LAW.--For the purpose of preventing the use of said cans, bottles, casks, kegs, barrels, or other receptacles for any purpose other than that herein provided, and to

insure the wholesomeness and high quality of said products, and the sanitary condition of the receptacle in which the same are transported, it shall be the duty of the Department of Public Welfare to enforce the provisions of this chapter.

Section 36-607. PENALTY.--Whoever shall violate any of the provisions or sections of this chapter shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not more than \$100.00 or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment, at the discretion of the court.

Chapter 141. Session Laws of 1941

Be It Enacted by the Legislature of the State of Idaho:

Section 1. That Title 36 of the Idaho Code Annotated be and the same is hereby amended by adding thereto a new chapter number Chapter 17, which new chapter shall be numbered and read as follows:

"36-1701. Hereafter no person shall use the terms "grade A," "grade B," "grade C," or combinations or multiples of the letters "a," "b," and "c," or any term similar thereto when used to indicate quality on packages or containers containing milk or milk products or on or in connection with such products themselves, except as follows:

(1) In regard to milk or cream and pursuant to the terms of an ordinance of any incorporated city that legally has adopted and passed a grade A ordinance regulating the production, handling, distribution and sale of milk or cream within such city, provided said ordinance meets the requirements of the "Standard Milk Ordinance" referred to in subdivision (3) of this section.

(2) Unless such labeling complies with any grade established by the United States Department of Agriculture.

(3) In all cases not covered by subsections (1) and (2) hereof the use of the grade or quality designations herein mentioned shall be unlawful unless such person is licensed to use the same by the Department of Public Welfare of the State of Idaho.

In the case of milk or milk products not covered by the provisions of subsections (1) and (2) hereof, the department shall establish grades which shall be the same as those established by the United States Public Health Service and approved by the United States Department of Agriculture known as the "Standard Milk Ordinance."

The grades established for milk and milk products pursuant to authority mentioned in this subsection shall be entirely voluntary and no person shall be required to use the same except those who so desire and who voluntarily apply for and receive a license under this chapter.

Nothing in this chapter shall be construed to prohibit the use of any registered or copyrighted brand or trade-mark, design or device pursuant to the provisions of any laws of this state or any other state or of the District of Columbia or the United States, provided such use is not in conflict with this chapter.

36-1702. Any person desiring a license under this act shall make application therefor to the Department of Public Welfare, and upon such application being filed, said department shall furnish such applicant with the terms, conditions, rules and regulations, and upon the compliance therewith shall issue such applicant a revocable license for the use of any of the grade marks described in this chapter. The form of such application and license shall be determined and prescribed by the Department of Public Health.

36-1703. The Department of Public Welfare shall establish rules and regulations governing the use of such grade marks mentioned in this chapter, and may revise such rules and regulations from time to time as may be deemed necessary and expedient.

36-1704. Any such license issued hereunder may be revoked for the violation of any of the rules and regulations under which it is issued or amendments thereof, or for failure to maintain such a standard of quality as may be prescribed.

36-1705. The word "person" as used in this chapter shall include individuals, partnerships, associations and corporations.

The terms "department" or "department of public welfare" shall mean the Department of Public Welfare of the state of Idaho.

"Milk or milk products" as used in this chapter shall be defined as and include those products enumerated and defined in the "Standard Milk Ordinance" referred to in section 36-1701, subsection (3).

36-1706. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$10 nor more than \$300, and on complaint of the Department of Public Welfare any person operating in violation of said chapter may be enjoined in a suit in equity.

Sec. 2. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

Pages 35-38 missing

Chapter 166. Session Laws of 1945

Be It Enacted by the Legislature of the State of Idaho:

Section 1. The Department of Public Health is hereby authorized and directed to fix and prescribe, from time to time, minimum standards of pasteurized milk and milk products and including minimum sanitation standards relating to methods of pasteurizing the same and to the structure and equipment of such pasteurizing plants. In fixing such standards the department shall give consideration to advancements in science and improvements in methods of pasteurization.

Section 2. The Department of Public Health, upon adoption of any such standards, shall cause the same to be published in pamphlet form and shall furnish the same free of charge to applicants therefor.

Section 3. Any person engaged in pasteurizing milk or milk products which are to be labeled or represented as pasteurized shall register with the Department of Public Health on forms, containing such information as the department may require, and shall permit the authorized agents of such department to inspect his plant and test the products thereof at all reasonable times.

Section 4. This act shall not apply to pasteurized butter and processed milk products which are otherwise regulated by statute.

Section 5. Any person, engaged in processing or selling any milk or milk product labeled or represented as pasteurized, who, after warning from the Department of Public Health that such product does not conform to the standards or has been or is being processed by methods or in plants not conforming to the pasteurizing standards prescribed by the department, shall continue to sell or offer for sale such non-conforming product, labeled or represented as pasteurized, may be enjoined in equity from continuing such operations.

FOOD AND DRUG LAWS

Section 36-102. PAYMENT OF EXPENSES.--The expenses incurred in enforcing the provisions of this chapter shall be paid out of the funds appropriated for the Department of Public Welfare, and accounts thereof shall be approved and certified by the said department before presentation to the state auditor.

Section 36-103. BIENNIAL REPORT.--The Department of Public Welfare shall biennially on or before December 1 preceding the assembly of the state legislature report to the governor a full account of its official actions under this chapter; also the operation and result of this or any other law pertaining to the dairy industry, foods, drink, and illuminating oils in the state, a full account of all expenses and disbursements of the department, as full and complete statistics as it is in its power to collect pertaining to the manufacture, import and export of dairy products within the state, for the biennial term and shall make suggestions as to the matter of further legislation upon this subject.

Section 36-104. DISPOSITION OF FINES.--All fees, license moneys, fines, forfeitures and penalties which the Department of Public Welfare may lawfully collect or impose shall be paid over to the state treasurer and placed to the credit of the general fund. For failure to perform the duty imposed upon him by this section the delinquent officer shall forfeit the sum of \$1000, to be collected upon his official bond.

All fines exclusive of costs collected by any of the courts of this state for violations of the dairy, food, sanitary and health laws of this state, shall be paid to the state treasurer and by him credited to the general fund. The costs aforesaid shall be retained by the county in which the suit is brought. Courts, in fixing money penalties, shall state the costs separately, and in such a manner that the division of the moneys to be paid to the state and county, as provided by this section, may be accurately carried out.

Section 36-105. DUTIES OF INSPECTION.--It shall be the duty of the Department of Public Welfare to enforce all laws that now exist, or that may be hereafter enacted in this state so far as they may relate to the healthfulness and purity of such products regarding the production, manufacture or sale of dairy products, foods, drink, and illuminating oils, and to inspect any article of milk, butter, cheese, foods, drink, illuminating oils, or imitations thereof, made or offered for sale within the state, which it may suspect or have reason to believe to be impure, unhealthful, adulterated, misbranded, or counterfeit, or not complying with this chapter, and to prosecute or cause to be prosecuted any person or persons, firm or firms, corporation or corporations, engaged in the manufacture or sale of any adulterated, misbranded, or counterfeit dairy products, food, drink, or illuminating oil, contrary to law. The officials of the Department of Public Welfare shall have access, ingress and egress to and from all places of business, factories, farms, buildings, carriages and

cars used in the manufacture, transportation or sale of any article of food, and also into restaurants, dining halls, cafes, hotels and all rooms thereof, and all places where food is prepared, stored or served to patrons. They shall also have power and authority to open any package, can or vessel containing or supposed to contain any article manufactured, sold or exposed for sale, or held in possession with intent to sell, in violation of law, and may inspect the contents thereof, and may take samples therefrom for analysis.

Section 36-106. DUTY OF ATTORNEY-GENERAL AND PROSECUTING ATTORNEYS. It shall be the duty of the attorney-general or the prosecuting attorney in any county of the state, when called upon by the Department of Public Welfare to render any legal assistance in his power to execute the laws, and to prosecute cases arising under the provisions of this chapter.

Section 36-107. DEPARTMENT MAY ISSUE BULLETINS.--The Department of Public Welfare shall have authority to issue bulletins, as often as deemed necessary, showing a list of the chemical analyses made by the department, also any other information which they may have in regard to the subject-matter of this chapter.

Section 36-108. PROCURING SAMPLES.--All dealers, clerks, bookkeepers, express agents, railroad officials, employees or common carriers shall render to the Department of Public Welfare, all the assistance in their power when so requested in tracing, finding or discovering the presence of any article prohibited by law, and in securing samples thereof, as provided in section 36-105. Any refusal or neglect on the part of such dealer, clerks, bookkeepers, express agents, railroad officials, employees or common carriers to render such friendly aid or to furnish such sample for analysis as provided for in this section shall be a misdemeanor. Upon taking any such sample, the official of the Department of Public Welfare shall mark or seal such sample with a paper seal or otherwise, and shall write his name thereon and number said sample so as to properly identify the same, and shall tender to the manufacturer or vendor of such article or product or the person in whose control or possession such article or product may be at the time the same is taken the value thereof; and if the person from whom such sample is taken shall request him to do so, he shall at the same time, and in the presence of the person from whom the same is taken, seal with proper seals or otherwise two samples of the article taken on each of which said samples, or on the seals placed thereon, shall be placed the name of the person taking said sample and also the number above provided for, the one of which samples shall be delivered to the person from whom the sample is taken, and the other shall be taken or forwarded by the official who procured the same to the Department of Public Welfare for the purpose of making chemical examination or analysis of samples so taken.

Section 36-109. PENALTIES FOR INTERFERENCE--CONFISCATION.--Any person, manufacturer, producer or dealer who refuses to comply, upon demand, with the requirements of the preceding section, or who shall obstruct an official of the Department of Public Welfare in the performance of his duties under this chapter, or whoever violates

any of the provisions of this chapter, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not exceeding \$100.00, or imprisoned not exceeding ninety days, or both. Any person found guilty of manufacturing or offering for sale, or selling, any adulterated, impure, or misbranded article of food, drink, or illuminating oil, in violation of the provisions of this chapter shall be adjudged to pay, in addition to the penalties herein provided for, all the necessary costs and expenses incurred in inspecting and analyzing such adulterated or misbranded articles, which said person may have been found guilty of manufacturing, selling or offering for sale. And in addition thereto, such adulterated, impure, or misbranded article, or articles, shall be confiscated, and upon the order of any court of competent jurisdiction, the official of the Department of Public Welfare shall destroy the same: Provided, that in case the legal disability which exists against such article, or articles, is one which can be removed by proper labeling, the department shall sell the same and pay the proceeds into the state treasury, where they shall be placed to the credit of the general fund.

Section 36-110. POSSESSION OF UNLAWFUL ARTICLES PRIMA FACIE VIOLATION.--Possession by any person or firm of an article or substance, the sale of which is prohibited by this chapter, shall be considered prima facie evidence that the same is kept by such person or firm in violation of the provisions of this chapter, and the Department of Public Welfare shall be authorized to seize upon and take possession of such articles or substance, and upon the order of any court of competent jurisdiction, it shall dispose of the same as provided in the preceding section.

Section 36-111. CERTIFICATE OF CHEMIST PRIMA FACIE EVIDENCE.--In all prosecutions arising under this chapter, the certificate of the chemist making the analysis or testing, when duly sworn to by such analyst, shall be prima facie evidence of the fact or facts therein certified.

Section 36-112. SUBPOENA FOR CHEMIST.--In any prosecution under this chapter, whenever the department shall certify that the presence of any of its chemists is necessary as a witness in the trial of the cause, the judge of the court, or the probate judge of the county wherein such trial shall be held, shall issue a subpoena for his attendance at the trial; and it shall be the duty of such chemist to obey said subpoena, and all his actual and necessary expenses shall be paid by the county wherein said trial was held in the same manner that county officers are paid, and in case of conviction, shall be charged to the defendant as part of the costs of the prosecution.

Chapter 77, - Session Laws 1939

Be it Enacted by the Legislature of the State of Idaho:

Section 1. That it shall be unlawful for any person or persons by himself, herself, or themselves, or by his, her, or their agents, servants or employees, to sell, offer for sale, expose for sale, or have in possession with intent to sell, sausage that is adulterated within the meaning of this Act.

Section 2. DEFINING SAUSAGE.--That for the purpose of this act pork sausage shall be held to be a comminuted meat from swine only, fresh or smoked, with added sugar, salt and spices, and without the addition of more than 3% ice or water.

That hamburger shall consist of ground or chopped fresh beef, with or without salt and seasoning, and shall not contain more than 30% fat.

That for the purpose of this Act, other sausage shall be held to be a comminuted meat from cattle, or swine, or sheep, or edible organs of same, or a mixture of such meats and edible organs, either fresh, salted, pickled or smoked, with added salt and spices, and with or without the addition of edible fats, blood and sugar, or subsequent smoking, and not to exceed 3% extender. It shall contain not more than ten per cent added water.

Section 3. That for the purpose of this Act, sausage shall be deemed to be adulterated:

First. If it contains added water or ice in excess of the quantity required to bring the amount up to that which the meats from which it is prepared, contain immediately after slaughter, excepting such water and ice as may be added for the purpose of facilitating grinding, chopping, and mixing, and which shall in no case exceed ten per cent, as determined by the method used and recommended by the Bureau of Animal Industry of the United States Department of Agriculture.

Second. If it contains more than three per cent milk powder, or wheat flour and if it contains cracklings.

Third. If it contains any added sulphurous acid, sulphur oxide, or sulphites, benzoic acid or benzoates, nitrous acid, or any free chlorine or active combination thereof, except as hereafter provided; or if it contains any added boric or borates, salicylic acid or salicylates, formic acid or formates, hydrogen peroxide or other peroxide, formaldehyde, hydrofluoric acid or flourides, fluoborates, fluosilicates, or other fluorine compounds, dulcin, glucin, saccharin, compounds of copper or zinc, beta naphthol, hydronaphthol, sbrastol, asaprol, pyrolineous acid, or any other added ingredient deleterious to health. Provided that nothing contained in this paragraph shall be construed to prohibit the use of pure and recognized edible substances or food accessories for flavoring, leavening and condimental purposes only, and not for any fraudulent purpose, or the use of wood smoke, applied directly as generated, or sodium nitrate or nitrite for the curing of meat products.

It is unlawful to sell meat or products thereof, sausage casing or other casing, that contains any dye or artificial colorings. For the purpose of this article any meat, product thereof, sausage casing, or other casing, that contains any dye or artificial colorings shall be deemed adulterated and the inspector shall render the same unfit for human consumption with a suitable denaturing agent.

Fourth. If it contains any diseased, contaminated, filthy or decomposed substance; or is manufactured, in whole or in part, from a diseased, contaminated, filthy, or decomposed substance, or a substance produced, stored, transported, or kept, in a way or manner that would render the article diseased, contaminated or unwholesome; or if it is any product of a diseased animal or the product of any animal which has died otherwise than by slaughter, or if it contains any lungs or udders.

Section 4. (a) That any person who shall violate any of the provisions of this Act, or any rule, regulation or order of the Department of Public Welfare, made pursuant to this Act, shall be guilty of a misdemeanor, and for the first or second offense, upon conviction thereof in a summary proceeding shall be sentenced to pay fine of not less than One Hundred and Fifty Dollars (\$150.00) nor more than Two Hundred Dollars (\$200.00) and costs of prosecution, and in default of payment of such fine and costs, shall be sentenced to undergo an imprisonment in the County Jail of not less than thirty days nor more than sixty days, and for a third or subsequent offense shall be guilty of a misdemeanor and shall upon a conviction thereof, be sentenced to pay a fine of not less than Five Hundred Dollars, nor more than One Thousand Dollars, or to undergo an imprisonment not exceeding one year, or both or either at the discretion of the Court.

(b) The Attorney General at the request of the Department of Public Welfare, may in the name of the State of Idaho, institute proceedings in equity in the District Court of Ada County, for the purpose of enjoining the sale within the State of Idaho, of any sausage, adulterated under the provisions of this Act, and for such purpose, jurisdiction is hereby conferred upon said Court. In such cases, the Attorney General shall not be required to give bond.

Section 5. All moneys received by the Commissioner of Public Welfare, under the terms and provisions of this Act shall be paid into the state treasury monthly, and shall be by the State Treasurer placed to the credit of the general fund to an account to be known as the "Sausage Manufacturer's Account," and all such moneys are hereby set aside and appropriated to the Department of Public Welfare, to carry into effect the provisions of this Act.

Section 6. All sausage manufacturing establishments, except the sausage manufacturer being a farmer on a farm who raises all the products he uses, shall be licensed and pay an annual license fee of Ten (\$10.00) dollars. Each establishment shall be furnished with a copy of this law.

Section 7. That any manufacturer of sausage, shall have a period of ninety days from the enactment of this law, within which to dispose of any colored artificial casings that he may have on hand at the time this law becomes effective.

Section 8. That the Department of Public Welfare, shall be charged with the enforcement of the provisions of this Act.

ADULTERATION AND MISBRANDING

* Section 36-301. MANUFACTURE OF ADULTERATED AND MISBRANDED ARTICLES PROHIBITED--PENALTY.--It shall be unlawful for any person to manufacture within the State of Idaho any article of food or drugs, medicine or liquor which is adulterated or misbranded or which contains any poisonous or deleterious substance within the meaning of this chapter; and any person who shall violate any of the provisions of this section or shall fail to comply with the same, shall

be guilty of a misdemeanor, and for such offense shall, upon conviction thereof, be fined in a sum not to exceed \$500.00, or be imprisoned in the county jail for a term not to exceed six months, or be punished by both such fine and imprisonment.

Section 36-302. SALE OF ADULTERATED OR MISBRANDED ARTICLES PROHIBITED--PENALTY.--It shall be unlawful for any person to sell, keep for sale, or offer for sale within the State of Idaho any article of food, drug, or liquor which is adulterated or misbranded within the meaning of this chapter, and any person who shall sell, keep for sale, or offer for sale any article of food or drug or liquor which is adulterated or misbranded within the meaning of this chapter, shall be guilty of a misdemeanor and shall be punished therefor as provided for in section 36-301.

Section 36-303. REGULATIONS.--The Department of Public Welfare is authorized and directed to make and publish uniform rules and regulations not in conflict with this chapter or other laws of the State of Idaho, which rules and regulations shall be in harmony with those adopted and promulgated by the United States Department of Agriculture, insofar as they are applicable to and not in conflict with the provisions of this chapter or any other law of the State of Idaho, which rules and regulations shall include the collection and examination of specimens of food, medicine, drugs, liquors and drinks manufactured, kept for sale, offered for sale or sold in the State of Idaho. Each of such rulings shall be in writing signed by the Commissioner of Public Welfare and shall be kept on file in his office and be open to inspection on request; and before any such ruling shall take effect, it shall be published twice in a newspaper of general circulation published in this state, and, when so made and published, shall, from and after the tenth day succeeding the date of the last publication, have the force and effect of law, and an affidavit of such publication setting forth the said ruling in full and the date of such publication thereof, shall be made by the publisher of such newspaper, or by the agent of such publisher, and shall be kept on file by the said commissioner of Public Welfare, in his office with the original of such ruling or rulings; and such affidavit of publication shall be prima facie evidence of the facts therein contained and of the said ruling and rulings therein set forth; and whenever in its discretion, such action is advisable, the said Department of Public Welfare shall have authority to modify, change or abrogate any and all such rulings and to issue new rulings, but always in the manner hereinbefore prescribed.

Section 36-304. DRUG DEFINED--FOOD DEFINED.--The term "drug" as used in this chapter shall include all medicines and preparation recognized in the United States pharmacopoeia or national formulary for internal or external use in force at the time the drug is prepared, sold or offered for sale, and any substance or mixture intended to be used for the curing, mitigation, or prevention of disease of either man or other animals, whether said drug be simple, mixed or compounded. The term "food" as herein used shall include all articles used for food, drink, confectionery or condiment by man or other animals, or in the preparation of food, drink, confectionery or condiment, whether dispensed, mixed or compounded.

Section 36-305. ADULTERATION OF DRUGS.--For the purpose of this chapter, a drug shall be deemed to be adulterated:

1. If, when a drug is sold under or by a name recognized in the pharmacopoeia and national formulary, it differs from the standard of strength, quality or purity as determined by the test laid down in the United States pharmacopoeia or national formulary, official at the time of investigation.

2. If its strength or purity fall below the professed standard of quality under which it is sold.

Section 36-306. ADULTERATION OF CONFECTION OR GUM.--For the purpose of this chapter confectionery or gum shall be deemed to be adulterated if it contains paraffine, terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color of flavor, or other ingredients deleterious or detrimental to health, or any vinous, malt or spirituous liquor or compound or narcotic drug.

Section 36-307. ADULTERATION OF FOOD.--For the purpose of this chapter food shall be deemed to be adulterated:

1. If any substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality or strength.

2. If any substance has been substituted wholly or in part for the article.

3. If any valuable constituent of the article has been wholly or in part abstracted.

4. If it be mixed, colored, powdered, polished, coated or stained in a manner whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is.

5. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health: Provided, that when, in the preparation of food products for shipment, they are preserved by an external application applied in such a manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the cover of the package, the provisions of this chapter shall be construed as applying only when said products are ready for consumption.

If it consist in whole or in part of diseased, filthy, decomposed, infected, tainted, putrid or rotten animal or vegetable substance or article, or any part or portion of an animal diseased or otherwise unfit for food, whether manufactured or not, or if it is the product of a diseased animal or one that had died otherwise than by slaughter.

7. If it contains methyl or wood alcohol or any of its forms.

Section 36-308. MISBRANDED DEFINED.--The term "misbranded," as used herein, shall apply to all drugs, liquors or articles of food or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein, which shall be false or misleading in any particular, and to any food, liquor or drug product which is falsely branded as to the state in which it is manufactured or produced.

Section 36-309. MISBRANDING OF DRUGS.--For the purpose of this chapter a drug shall be deemed to be misbranded:

1. If it be an imitation of, or offered for sale under the name of, another article.

2. If the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if the package fails to bear a statement on the label of the quality or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, phenacetin, acetanilid, or any derivative or preparation of any such substances contained therein: Provided, that the drugs and medicines dispensed by or under the order of a physician's prescription, intended for immediate or temporary use, need not bear any statement on the package as to its contents, except as otherwise provided by law of this state.

Section 36-310. MISBRANDING OF FOOD.--For the purpose of this chapter food shall be deemed misbranded:

1. If it be an imitation of, or offered for sale under the distinctive name of, another article.

2. If it be a manufactured article of food or foods sold in package form, and is not distinctly labeled, marked or branded with the true name of the article, and with either the name of the manufacturer and place of manufacture or the name and address of the packer or dealer who sells the same; if it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package; or if the package fails to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, phenacetin or acetanilid, or any derivative or preparation of any such substance contained therein.

3. If in package form, and the contents are stated in terms of weight or measure, the net weight or measure is not plainly or correctly stated on the outside of the package.

4. If the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substance

contained therein, which statement, design or device shall be false or misleading in any particular: Provided, that an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

a. In the case of mixture or compounds which may be now, or from time to time hereafter, known as articles of food, under their own distinctive name, and not an imitation of or offered for sale under the distinctive name of another article, it the name be accompanied on the same label or brand with the statement of the place where said article has been manufactured or produced.

b. In the case of articles labeled, branded or tagged, so as to plainly indicate that they are compounds, imitations, or blends, and the words "compound," "imitation," or "blend," as the case may be, plainly stated on the package in which it is offered for sale: Provided, that the term "blend," as used herein, shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only: and, provided further, that nothing in this chapter shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods, which contain no unwholesome added ingredients to disclose their trade formulas, except insofar as the provisions of this chapter may require, to secure freedom from adulteration or misbranding. Labels required by this chapter shall be distinctly printed in the English language in legible type no smaller than eight point heavy Gothic caps, and shall give, in continuous list, with no intervening printed or descriptive matter, the true and correct names of all the constituents of such mixture, compound, combination, imitation or blend, and if artificially colored or preserved, the name of each and every such added substance shall be plainly stated on the label. Such label shall be placed on the outside of the package, and in plain sight. There shall be such a contrast between the color of the label and the color of the ink used in printing the label, as heretofore provided, that the label shall be easily and plainly legible.

Section 36-311. DEALER PROTECTED BY GUARANTY--EXCEPTION.--No dealer shall be prosecuted under the provisions of this chapter when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party from whom he purchased such articles to the effect that the same is not adulterated or misbranded, within the meaning of this chapter designating it. Said guaranty, to afford protection, shall contain the name and addresses of the party or parties making the sale of such articles to the dealer, and the date sold, and in such case, said party or parties shall be amenable to the prosecutions, fines and other penalties which would attach in due course to the dealer under the provisions of this chapter: Provided, that this exemption shall not apply when such dealer knew or ought to have known that such drugs, liquors or foods so sold, offered or kept for sale were adulterated or misbranded within the meaning of this chapter.

Section 36-312. DISTRIBUTION OF FREE SAMPLES PROHIBITED.--PENALTY.--It shall be unlawful for any person to distribute or cause to be distributed, by throwing into yards or upon porches of any private or public house in this state, any free samples containing drugs which are or may be harmful to the human system, and any person guilty of such offense shall be deemed guilty of a misdemeanor and shall be punished as provided in section 36-301.

Section 36-313. PERSON CONSTRUED.--The word "person" as used in this chapter shall be construed to include and import both the plural and the singular, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this chapter, the act, omission or failure of any officer, agent or other person acting for, or employed by any corporation, company, society or associations within the scope of this employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society or association as well as that of the person.

Section 36-314. INSPECTORS --RIGHT OF ACCESS TO ALL PLACES.--For obtaining information regarding the suspected violations of law, the Department of Public Welfare, or its duly appointed assistants, shall have access to all places where any article of food or other article, the manufacture or sale of which is restricted, regulated, or prohibited by this chapter, is stored or prepared for sale, or may be manufactured, kept for sale, or sold, and to places where food is or may be cooked, prepared, or sold or kept for sale, to or for the public, or distributed as a part of the compensation of servants or agents, including public and private hospitals, railroad camps, inns, boarding and eating houses, drinking places, dining cars, boats, and other places where any of said articles may be sold, and they may inspect any packages, articles or receptacle found therein apparently containing any article of food or ingredient thereof, or any article, the manufacture or sale of which is restricted, regulated or forbidden by this chapter, and may take samples therefrom for analysis, tendering payment therefor. Any person obstructing such entry or inspection, or failing, upon request, to assist therein, shall be guilty of a misdemeanor, and shall be punished as provided in section 36-301.

Section 36-315. STANDARDS ESTABLISHED.--The standards of quality, purity and strength for food, liquors, and drugs that have been or shall be adopted by the United States Department of Agriculture are hereby declared to be the standards of purity, quality and strength for foods, liquors, drugs and drinks in the State of Idaho.

Section 36-316. DISPOSITION OF FINES.--All fines, exclusive of costs, collected by any of the courts of this state, as penalties for the violation of this chapter or any of its provisions, shall be paid by the proper officers of said court to the state treasurer of the State of Idaho, who shall credit the same to the general fund. Courts imposing fines under this chapter shall so fix the same that the fine that is to be remitted to the state and the costs which are to be rendered by the county shall be separately stated.

Section 36-317. SALE OF TAINTED FOOD A MISDEMEANOR.--Every person who knowingly sells, or keeps or offers for sale, or otherwise disposes of, any article of food, drink, drug, or medicine, knowing the same has become tainted, decayed, spoiled, or otherwise unwholesome or unfit to be eaten or drank (drunk), with intent to permit the same to be eaten or drank (drunk), is guilty of a misdemeanor.

Section 36-318. BAKING POWDERS--INGREDIENTS TO BE INDICATED.--Every person making, manufacturing or selling, or offering or exposing for sale, any baking powders, or any mixture or compound intended for use as a baking powder, shall securely affix, or cause to be securely affixed, to every box, can, or package containing such baking powder or like mixture or compound, on a white or light colored label, upon the outside and face of which is distinctly printed with black ink, in legible type no smaller than brevier heavy Gothic caps, the name and residence of the manufacturer and the words "This baking powder is composed of the following ingredients and none other"; and immediately after said words shall be printed, in the English language, upon said white or light colored label, in the color, style and manner above specified, the true and correct name of each and all ingredients contained in or constituting a component part of such baking powder, or mixture or compound intended for use as a baking powder, using the names by which each ingredient is commonly known in trade.

Section 36-319. CIDER VINEGAR--PERCENTAGE OF SOLIDS AND ACIDS. No person, persons, firm, corporation or corporations shall manufacture, sell or offer for sale as apple cider vinegar, any vinegar not made exclusively from pure apple juice; nor any other fruit vinegar not made exclusively from fruit juices. Apple cider vinegar or fruit vinegar shall contain at least one and three-fourths per cent of cider vinegar solids, upon full evaporation over boiling water, and shall contain at least four per cent by weight of acetic acid.

Section 36-320. OTHER VINEGARS.--All vinegars shall be made wholly from the substance of substances from which they purport to be, or are represented to be made, and shall contain not less than four per cent by weight of acetic acid.

Section 36-321. VINEGAR BARRELS TO BE MARKED.--Each barrel, cask, or keg containing vinegar sold, offered or exposed for sale, in this state, shall be plainly branded or stenciled with boldfaced black letters and figures, at least one inch in length, on the head of said barrel, cask or keg, giving the name of the kind of vinegar contained therein, the name of the substance or substances from which it is made, and the name and location of the manufacturer manufacturing the same.

Section 36-322. CERTAIN SUBSTANCES PROHIBITED IN VINEGAR.--Every person who manufactures for sale, offers or exposes for sale, or sells, any vinegar containing any preparation of lead, copper, sulphuric acid, or other mineral acids, or any acid made from the distillation of wood, or any ingredient injurious to health, shall be deemed guilty of a misdemeanor.



SLAUGHTER HOUSES AND MEAT PRODUCTS

Section 36-1301. RULES AND REGULATIONS TO BE COMPLIED WITH.--

All slaughtering, packing, meat canning, salting, rendering, or similar establishments whose meat or meat food products, in whole or in part, enter into commerce, shall be prepared under the following rules, regulations and provisions, and a failure upon the part of any person or persons, corporations or corporation to comply with the said rules, regulations and provisions is hereby declared to be unlawful and shall be punished as provided for in section 36-1327.

Section 36-1302. LIGHT AND VENTILATION.--All person or persons, corporations or corporation owing, leasing or conducting any establishment or establishments in which animals are slaughtered, or meat or meat food products are prepared, cured, packed, stored, or handled shall suitably and adequately light and ventilate, and maintain the same in a sanitary condition. Said persons or corporations shall require that all work performed in such establishments shall be done in a cleanly and sanitary manner.

Section 36-1303. WALLS, PARTITIONS, AND CEILINGS TO BE WHITE-WASHED.--All person or persons, corporation or corporations shall frequently whitewash and paint the ceilings, sidewalls, pillars and partitions of said establishment or establishments and shall render the same sanitary by frequent washing and scraping. Where floors or other parts of the building or tables or other part of the equipment are so old and in such condition that they cannot be readily made sanitary, they shall be removed and replaced by suitable materials, or otherwise put in condition acceptable to the Department of Public Welfare. All floors upon which meats are piled during the process of curing shall be so constructed that they can be kept in a clean and sanitary condition, and such meats shall also be kept clean.

Section 36-1304. TOOLS AND UTENSILS TO BE CLEANSED.--All trucks, trays and other receptacles, all chutes, platforms, racks, tables, floors and other devices used in carrying on the work of the establishment, and all knives, saws, cleavers and other tools and all utensils and machinery used in the moving, handling, cutting, chopping, mixing, canning or other processes shall be thoroughly cleansed daily, both before and after being used.

Section 36-1305. CLOTHING TO BE CLEAN.--The aprons, smocks, or other outer clothing of employees who handle meat in contact with such clothing shall be of such material that is readily cleansed and made sanitary, and shall be cleansed daily if used. Employees who handle meat or meat food products shall be required to keep their hands clean.

Section 36-1306. TOILETS TO BE PROVIDED FOR EMPLOYEES.--Said person or persons, corporation or corporations aforesaid shall provide ample and sufficient toilet rooms, urinals and dressing rooms and the same shall be entirely separated from compartments in which carcasses are dressed and meat and meat food products are cured, stored, packed, handled and prepared. Said toilet rooms, urinals

and dressing rooms shall be amply fitted and supplied with lavatory accommodations, including soap, ample water supply and towels, and shall be properly lighted, suitably ventilated, and kept in a sanitary condition.

Section 36-1307. VENTILATION, CUSPIDORS, SCREENS.--Said person or persons, corporation or corporations aforesaid shall ventilate all rooms or compartments in which meat or meat food products are prepared, cured, stored, packed or otherwise handled in a manner acceptable to the Department of Public Welfare, and shall cause said rooms or compartments to be so located and constructed that odors from toilet rooms, catch basins, casing departments, tank rooms, hide rooms and other sections of said establishment do not permeate them; and all rooms and compartments shall be provided with cuspidors, which employees, who expectorate, shall be required to use. All outer doors and windows shall be screened against flies and other insects.

Section 36-1308. EMPLOYEES TO BE FREE FROM DISEASE.--Said person or persons, corporation or corporations shall not knowingly employ, in any of the departments of the establishment or establishments where carcasses are dressed, or meats handled, or meat food products prepared, any person afflicted with tuberculosis or any other communicable disease, and any employee suspected of being so affected shall be reported by the manager of the establishment to the Department of Public Welfare.

Section 36-1309. HOGS NOT TO BE FED RAW OFFAL.--Said person or persons, corporation or corporations shall not fatten hogs or other animals on refuse of slaughter houses, and shall keep all animals in proper pens at least one hundred feet from the slaughter house. No use incompatible with proper sanitation shall be made of any part of the premises on which said establishment is located. All yards, fences, pens, chutes, alleys and all appurtenances belonging to the premises of such establishments shall, whether they are used or not, be maintained in a sanitary condition.

Section 36-1310. IMPLEMENTS TO BE DISINFECTED.--All butchers who dress diseased carcasses shall cleanse their hands of all grease and then in a prescribed disinfectant, and rinse them in clear water before engaging again in dressing or handling healthy carcasses. All butchers' implements used in dressing diseased carcasses shall be cleansed of all grease and then sterilized either in boiling water or by immersion in a prescribed disinfectant and rinsed in clean water before again being used in dressing healthy carcasses.

Section 36-1311. PREVENT MEAT FROM FALLING ON FLOOR.--Said person or persons, corporation or corporations must use a reasonable care to prevent from falling on the floor, while being emptied into tanks, all meat and meat food products intended for rendering into edible products, and shall provide for such use metal funnels or similar devices.

Section 36-1312. AUTHORITY TO SEIZE DIS-EASED MEAT.--Said person or persons, corporation or corporations shall not sell or offer for sale any carcass or carcasses showing lesions of anthrax (charbon), regardless of the extent of the disease, but immediately tank the same, together with the hides, hoofs, horns, viscera, fat, blood and all other portions of the animal. The killing bed upon which the animal was slaughtered shall be disinfected with a ten per cent solution of formalin, and all knives, saws, cleavers and other instruments which have come in contact with the carcasses shall be so treated before being used upon other carcasses.

The Department of Public Welfare, the local health authority, or any other person heretofore properly empowered by law, shall have authority to seize, condemn or destroy any animals found in the condition mentioned in this section.

Section 36-1313. TUBERCULAR MEAT TO BE DESTROYED.--It shall be unlawful for said person or persons, corporation or corporations aforesaid, or any person or persons at all, to sell or offer for sale any carcass or carcasses affected with tuberculosis, and all carcasses so affected shall be immediately condemned and destroyed by the person owning them or having them in possession.

Section 36-1314. DESTRUCTION OF ANIMALS SLAUGHTERED IN THE THREE-FOURTHS STAGE OF PREGNANCY OR WITHIN TEN DAYS AFTER PARTURITION.--It shall be unlawful for said person or persons, corporation or corporations aforesaid to sell or offer for sale any carcass or carcasses of any animal or animals killed after the three-fourths stage period of pregnancy or any carcass or carcasses of animals which have within ten days given birth to young: Provided, however, in the latter case, if they have no evidence of septic infection, said carcass or carcasses may be rendered into tallow, but otherwise the person or persons, corporation or corporations, owning or possessing such carcass or carcasses shall destroy the same.

Power is hereby given to the Department of Public Welfare, the local health authorities of any county or municipality, or either of them, to condemn and destroy such slaughtered animals.

Section 36-1315. IMMATURE CARCASSES.--It shall be unlawful for any person or persons, corporation or corporations aforesaid or any one at all, to sell or offer for sale carcasses of animals too immature to produce wholesome meat; or to sell or offer for sale any carcass or carcasses of calves, pigs, kids and lambs under six weeks of age; and it is hereby made the duty of the Department of Public Welfare or other authorities in this chapter mentioned to seize and condemn such property.

Section 36-1316. WATER TO BE PROVIDED.--All person or persons, corporation or corporations aforesaid shall supply their slaughtering houses and yards with a water system amply sufficient to furnish hot and cold water under sufficient pressure and in such a manner as to facilitate the cleansing of the establishment and the maintaining of

the same in a sanitary condition, and only good, clean wholesome water and ice shall be used in the preparation of meat and meat food products: Provided, that in rural communities where no regular water system is available, hot and cold water shall be supplied in a manner sufficient to keep the slaughter house in a sanitary condition at all times.

Section 36-1317. DELIVERY WAGONS TO BE COVERED.--Said person or persons, corporation or corporations shall cover and keep in a clean and sanitary condition all wagons, cars, or vehicles in which meat or meat food products are transported.

Section 36-1318. SALE OF MEAT UNFIT FOR HUMAN FOOD PROHIBITED.--It shall be unlawful for any person or persons, corporations or corporation to sell or offer for sale the meat of any cattle, sheep, swine, fish, game, fowl or poultry which is blown, tainted, heated, soured, raised, stuffed, putrid, or impure, or which, for other reasons is unfit for human food.

Section 36-1319. MEAT TO BE COVERED IN TRANSPORTATION.--It shall be unlawful for any person or persons, corporation or corporations aforesaid, or any person at all, to carry or transport through any street, alley, or thoroughfare the carcass or meat of any cattle, sheep, swine, fish, game, fowl or poultry, except it be entirely covered with a clean, white cover so as to be thoroughly protected from the dust, dirt and flies.

Section 36-1320. ANIMALS MUST BE KEPT IN HEALTHFUL PLACE.--It shall be unlawful for any person or persons, corporation or corporations to keep any cattle, sheep, swine, game, fowl or poultry in any place in which water, food and ventilation are not sufficient for the preservation of a healthful and safe condition.

Section 36-1321. SLAUGHTER BETWEEN CERTAIN HOURS PROHIBITED.--EXCEPTION.--It shall be unlawful for any person or persons, corporation or corporations aforesaid to slaughter any animals, between the hours of eight A.M. and four P.M. unless by special permission of the Department of Public Welfare.

Section 36-1322. EXPOSURE TO DUST, DIRT AND FLIES PROHIBITED.--It shall be unlawful for any person or persons, corporation or corporations aforesaid, or any other person at all, to sell or expose for sale any fresh meat, game or fish which has been in any way exposed to the dust, flies or insects or other cause of contamination, and all such food stuffs while on sale must be at all times thoroughly protected from contamination from any cause.

Section 36-1323. MEAT SHOPS TO BE SCREENED.--It shall be unlawful for any person or persons, corporation or corporations to keep or maintain any markets, meat stands or meat shops in any unclean and insanitary condition. Said markets, meat stands and meat shops must be screened in a proper manner, and any meat, fish, or fowl which is found, upon inspection, unfit for food, shall be condemned.

Section 36-1324. DESTRUCTION OF MEAT UNFIT FOR HUMAN FOOD.-- Whenever the insanitary condition of any slaughtering house or other place in which meat is prepared or kept for sale renders unfit for human food any meat found therein, the Department of Public Welfare shall condemn such meat and notify the owner or owners of such action. If such owner or owners fail to remove and destroy such condemned food within a reasonable time, then the Department of Public Welfare shall proceed under sections 36-109 and 36-110, and its official upon the proper order of the court, shall saturate with kerosene all such condemned meat; and the building in which said meat has been slaughtered shall not be used for any similar purpose until such condemned meat is removed and destroyed and the building placed in a sanitary condition, and accepted by the department.

Section 36-1325. INSPECTION AND LICENSING OF SLAUGHTER HOUSES. It shall be the duty of the Department of Public Welfare to at least once a year inspect all public slaughter houses or slaughter yards and other places where meat or meat products are prepared for human consumption, and if the said places are sanitary and are maintained in a condition in conformity with the provisions of this chapter, it shall issue a certificate so certifying to the present conditions of said places, and said certificate shall be good for a period of one year unless the same be revoked and cancelled for nonconformity with the provisions of this chapter. Said certificate may be revoked by the department upon the failure of the persons or corporations owning or controlling the places mentioned in this section to comply with any of the provisions of this chapter. No certificate shall be evidence that said places are maintained in conformity with the provisions of this chapter for any other time than at the date of said certificate.

Section 36-1326. CERTIFICATE TO BE PROCURED BEFORE OPENING SLAUGHTER HOUSE.--Any person or corporation who shall sell or offer for sale, or expose for sale at public or private sale, any meat or food products which have not been prepared for human consumption in the places mentioned in the preceding section, or who shall operate said places without first obtaining from the said department the certificate or permit mentioned in said section shall be guilty of a misdemeanor and shall be punished as provided in the following section: Provided, that nothing in this chapter shall be construed to prohibit any farmer from slaughtering any animal raised by him, and disposing of the meat of such animal: Provided, that said meat was prepared in a sanitary and wholesome manner and under proper sanitary conditions, not surrounded by or in proximity to contaminating conditions of any kind, and protected at all times up to delivery to the purchaser from dust, dirt, flies, and other contaminations.

In prosecuting under this section it shall not be necessary to allege or prove that the defendant did not have the certificate or permit mentioned in the preceding section at the time the act is alleged to have been committed, but the burden shall be on the defendant to show that he had such certificate or permit at such time.

It shall be the duty of the Department of Public Health to inspect and license all slaughtering houses and to enforce the provisions of this chapter. The Department may employ such persons as it may deem necessary for the purpose of enforcing the provisions of this chapter. The Department may also employ such persons as it may deem necessary for the purpose of enforcing the provisions of this chapter. The Department may also employ such persons as it may deem necessary for the purpose of enforcing the provisions of this chapter.

Section 10-100. Inspection and Licensing of Slaughtering Houses

It shall be the duty of the Department of Public Health to inspect and license all slaughtering houses and to enforce the provisions of this chapter. The Department may employ such persons as it may deem necessary for the purpose of enforcing the provisions of this chapter. The Department may also employ such persons as it may deem necessary for the purpose of enforcing the provisions of this chapter. The Department may also employ such persons as it may deem necessary for the purpose of enforcing the provisions of this chapter.

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Section 36-1527. PENALTY FOR VIOLATION.--Any person or persons, corporation or corporations violating this chapter or any part, provisions or sections thereof, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding \$300.00 and not less than twenty-five dollars, or by imprisonment in the county jail for a period not exceeding six months, or by both fine and imprisonment.

FOOD PRODUCT FACTORIES AND COLD STORAGE PLANTS

Section 36-1501. SUPERVISION OF DEPARTMENT OF PUBLIC WELFARE. From and after the passage of this chapter, all matters and things relating to the sanitation of factories or establishments, and cold storage plants, within the State of Idaho, in which foods and food products of vegetables, fruits, meats or by-products thereof, are manufactured, evaporated, dehydrated, preserved, pickled, handled, kept in cold storage, or placed in cans or jars of tin, glass, wood-fibre, or other containers, shall be under the supervision of the Department of Public Welfare.

Section 36-1502. WATER-TIGHT FLOORS.--Any person or persons, firms or corporation, or corporations operating factories affected by this chapter shall be subjected to the following requirements: all rooms in which food and food products of fruits, vegetables, meats and by-products thereof are packed, evaporated, dehydrated, canned, pickled or preserved, and in which manufacturing is actually carried on, shall be provided with smooth, water-tight floors, which can be cleansed.

Section 36-1503. WALLS AND EQUIPMENT--VENTILATION AND SCREENS. All walls, partitions, and ceilings shall be cleansed, painted, or whitewashed to keep same in a sanitary condition. All equipment that has become insanitary by age, use, or deterioration, shall be replaced by suitable equipment and material. All buildings, rooms, or compartments in which food products are manufactured, cured, evaporated, dehydrated, packed, preserved, prepared, or stored, shall be properly ventilated, free from odors, from toilet rooms, catch basins, or tank rooms, and provided with suitable cuspidors which shall be used by employees who expectorate. All outer doors, windows and ventilators shall be screened against flies and insects.

Section 36-1504. MACHINERY AND SURROUNDING CONDITIONS.--All machines, tables, trays, trucks, platforms, floors, knives, tools and other utensils used in the manufacture of food products shall be thoroughly cleansed before and after being used. No drainage or waste matter of any kind shall be allowed to collect in or around any building in which food products are manufactured, and the surroundings shall be kept in a clean and sanitary condition in a manner acceptable to the Department of Public Welfare.

Section 36-1505. WATER SUPPLY--TOILET ROOMS--SEWERS.--All factories affected by this chapter shall be supplied with pure hot and cold water, under sufficient pressure to facilitate the cleansing of the establishment and the maintaining of the same in a sanitary condition: Provided, that, in rural districts, where no water system is available, hot and cold water shall be supplied in sufficient quantity to keep the establishment in a sanitary condition at all times. Only pure water and ice shall be used in the preparation of food products. All toilet rooms and dressing rooms for both sexes shall be entirely separate from compartments in which food products are prepared. All toilet rooms shall be supplied with ample soap, water, and towels, properly ventilated, and kept in a sanitary

condition. When a sewer system is available, adequate sewer connections shall be provided from toilet rooms, connected with proper plumbing and sealed with the water seal.

Section 36-1506. LIVING QUARTERS FOR EMPLOYEES--SMOKING AND SPITTING FORBIDDEN.--Where living quarters are provided for employees by manufacturers, these quarters shall be screened against flies, supplied with ample ventilation, clean water and sanitary sewerage disposal. No smoking or spitting on the floors or walls shall be permitted within food products factories.

Section 36-1507. CONDEMNATION AND DESTRUCTION OF IMPURE FOOD. Whenever the insanitary condition of any establishment where food products are prepared, stored, handled, canned, pickled, preserved, or kept for sale, renders unfit for human food any food products found therein, or any other condition renders same unfit for human consumption, the Department of Public Welfare shall condemn such products and notify the owner of such action. If such owner or owners fail to remove and destroy such condemned food within a reasonable time, then the Department of Public Welfare shall proceed under sections 36-109 and 36-110 and upon the proper order of the court, destroy same. The building in which said food products have been prepared shall not be used for any similar use until such condemned food products are removed and destroyed and the building or buildings, placed in a sanitary condition and accepted by the Department of Public Welfare.

Section 36-1508. PENALTIES.--Any person or persons, corporation or corporations, violating this chapter or any part, provision, or section thereof, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed \$500.00 and not less than twenty-five dollars, or by imprisonment in the county jail for a period not exceeding six months or by both fine and imprisonment.

SANITARY REGULATIONS FOR PUBLIC EATING PLACES

Section 38-1101. JURISDICTION OF DEPARTMENT OF PUBLIC WELFARE. The Department of Public welfare shall have charge of the enforcement of this chapter.

Section 38-1102. EATING PLACE DEFINED.--The term "eating place" as used in this chapter shall be held to include restaurants, cafes, lunch counters, lunch stands, hotel dining rooms, or any other places where meals or lunches are served to transient guests.

Section 38-1103. APPROVAL OF DEPARTMENT OF PUBLIC WELFARE.--No person, firm or corporation shall conduct, operate or carry on an eating place, as defined in this chapter, unless such place is approved by the Department of Public welfare.

Section 38-1104. SANITARY REQUIREMENTS OF PREMISES.--All rooms used for the storing, cooking, preparing or serving of food shall have floors and side walls so constructed as to exclude vermin, mice or other rodents, and shall be kept in a state of good repair. Such floors shall have a smooth surface, and shall be constructed of wood, tongued and grooved and laid water tight, or cement or tile or other impervious material, laid water tight.

The walls and ceilings of such rooms shall have a smooth surface and, except where painted or finished in natural wood, shall be properly whitewashed or kalsomined or papered as often as required by the Department of Public welfare, and at least once in every twelve months. The furniture, tables, fixtures, ranges, stoves, and all appliances in such rooms, shall be arranged and placed so as to be readily accessible for cleaning. No dog, cat or other animal shall be permitted in any eating place.

Section 38-1105. LIGHTS, VENTILATION, SCREENS, AND ELECTRIC FANS.--The kitchen and all other rooms and compartments must be properly lighted, and shall be ventilated so as to insure the free circulation of air at all times, and shall be kept free from flies, roaches and other insects. The outside openings thereof shall, from April first to November first of each year, be fitted or covered with screens and with self-closing wire screen doors. Whenever such screens do not effectively exclude flies, the inspector may order the installation and use of electric fans.

Section 38-1106. TOILET ROOMS.--No toilet shall be located in any room where food is prepared, stored, cooked, or served. All toilet rooms shall have direct connection with the outside air for ventilation, and shall be provided with an automatically closing door except where the entrance to such toilet room is from the outside. All toilet rooms, compartments or fixtures shall be maintained in a clean and sanitary condition and in good repair.

Section 38-1107. STERILIZATION OF DISHES--PUBLIC DRINKING CUP PROHIBITED.--Every eating place shall be provided with ample facilities for washing and cleaning all eating or cooking utensils or dishes,

and with hot and cold water. No eating, drinking, or cooking utensils or dishes shall be used in the cooking, preparation or serving of food without first being properly sterilized, with steam or boiling water, after such service or use. In cleaning such utensils or dishes the use of water which has become insanitary by previous use is prohibited. The use of the common or public drinking cup is prohibited.

Section 38-1108. PRESERVATION OF FOOD.--All food, whether cooked or uncooked, shall be kept in a clean and wholesome condition, and it shall be so kept as to avoid pollution by exposure to the elements, or to dust, flies, dirt or vermin, or by cats, dogs or other animals or fowls, and it shall not be allowed to become poisoned, infected or unwholesome, nor shall any chemicals be used to preserve such food, or to improve its appearance or flavor. No such food shall be kept or placed on the floor of any room or compartment of any eating place.

Section 38-1109. SALE OR SERVICE OF UNWHOLESOME FOOD--USE OF TIN CANS.--It shall be unlawful for any person to serve or offer to serve, sell or offer for sale, or to have in his possession in connection with the food supply of any eating place, any meat, fish, poultry, game, milk, cream or other dairy products, or any fruit, vegetables or market produce, or any other food whatever, that is decayed, diseased, unwholesome, or, from any cause, unfit for use as human food. All foods preserved or canned in metal containers shall be removed therefrom immediately upon being opened. The use of tin cans or containers for the cooking of food is prohibited.

Section 38-1110. DAIRY PRODUCTS--ICE BOXES AND REFRIGERATORS--MILK IN ORIGINAL BOTTLES.--Milk, cream and butter shall be kept in a refrigerator or ice box, or in a compartment thereof, separate from that in which meat, vegetables and other articles of food are kept. Ice boxes and refrigerators must be kept in a thoroughly clean and sanitary condition at all times. Sweet milk, when served to the public as a drink or beverage, must be served in half pint bottles, securely sealed or capped, as originally delivered from the dairy or milk station.

Section 38-1111. SLEEPING COOK ROOM PROHIBITED--WASHING FACILITIES AND REQUIREMENTS--COMMON TOWEL PROHIBITED.--No person shall sleep in any room where food is prepared, or cooked. No person in any way, connected with the handling, cooking, preparing or serving of food in any kitchen or eating place, shall engage at work following a visit to a toilet room without first thoroughly cleansing his or her hands. Conveniently located washing facilities, including running water, soap and individual clean towels, shall be provided in all such eating places. The use of a common towel is prohibited.

Section 38-1112. CUSPIDORS--SMOKING, CHEWING, AND SPITTING.--NOTICES.--Cuspidors of impervious material shall be provided for the use of employees and the public, and these shall be cleaned daily. No employee or other person shall spit or discharge any substance from the mouth or nose on the floor or walls of the kitchen or any other

room of an eating place. The smoking, snuffing or chewing of tobacco is prohibited in any part of any eating place, except that smoking will be permitted in the toilet room or rest room, and in the dining room by the public only. Plain notices shall be posted in every eating place forbidding any person to spit on the floor or walls, or to use tobacco except as herein permitted.

Section 38-1113. PENALTIES FOR VIOLATION.--Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not less than ten dollars and not exceeding \$100.00, or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment.

HEALTH REGULATIONS FOR EATING PLACES AND FOOD ESTABLISHMENTS

Section 38-1201. JURISDICTION OF DEPARTMENT OF PUBLIC WELFARE. The Department of Public Welfare shall have charge of the enforcement of this chapter.

Section 38-1202. EATING PLACE DEFINED.--The term "eating place" as used in this chapter shall be held to include restaurants, cafes, lunch counters, lunch stands, hotel dining rooms, or any other places where meals or lunches are served to transient guests.

Section 38-1203. APPLICATION TO BUTCHERS, BAKERS, AND CANDY MAKERS.--All the provisions of this chapter shall apply to, and be in full force and effect in relation to, all butchers, butcher shops, and places where meat or meat products are made, prepared, or sold, all bakeries, and places where bakery goods are made, and all candy makers, and places where candy is made.

Section 38-1204. EMPLOYMENT OF DISEASED PERSONS--EXAMINATION--BLOOD TEST.--No person having tuberculosis in a communicable form as evidenced by the finding of an open lesion in the chest or tubercle bacilli in the sputum, or who is a typhoid carrier as evidenced by the finding of typhoid organisms in the urine or stool, or who has syphilis in a communicable form as evidenced by a positive serological test and clinical examination, shall conduct, operate, or be employed in or about any eating place, as defined in this chapter, or in handling of any foodstuffs, or products used therein, and all person before engaging in such business, occupation or employment shall be examined by the county or city physician in whose jurisdiction the applicant wishes to engage in such business, occupation or employment as follows:

The county or city physician shall designate certain times and places wherein such examinations are to be held and the applicants for health certificates shall present themselves for this examination, which is to be conducted as follows: There shall be an examination of the lips, mucous membranes of the mouth and throat and nose for clinical evidence of syphilis or tuberculosis, and there shall be a specimen of blood taken for a serological test for syphilis. The sample of blood so taken shall be sent to the State Laboratory or the sample of blood or other laboratory tests may be sent to a laboratory accredited by the State Department of Public Welfare and the report of such laboratory shall be accepted: provided, that the laboratory work when done by the State Laboratory shall be done free of charge. The physician shall examine the lungs of the applicant for evidence of any open tubercular lesion and if such lesion is suspected, may request the applicant to submit specimens of sputum taken in the presence of the physician for examination for tubercle bacillus which shall be examined by the laboratories under the same provision as the examination for syphilis and typhoid fever. If there is a laboratory or clinical evidence of either tuberculosis, typhoid fever, or syphilis, in a communicable form, the applicant shall be refused a health certificate until such time as showing freedom from such disease, or diseases in a communicable form, and if there is no evidence of any of the above mentioned diseases, the applicant shall be given a health certificate which shall be valid for

the period of six months, or until such time as the local health officer or sanitary inspector shall have reasons to suspect the applicant of being a carrier of one or more of these diseases, in which event, he may request another examination. The fee for this examination shall be one dollar for each person examined, payable by the applicant.

Section 38-1205. HEALTH CERTIFICATE.--It shall be unlawful to employ a person for service in any eating place, or for a person to enter such service or to conduct or operate any eating place, who is not in possession of a valid health certificate as provided in the preceding section, and every person so employed or engaged shall have his or her health certificate available to show the local health officer or inspector of the Department of Public Welfare at any time when called for. A certificate of health issued in one county of the state shall be valid in all counties in the state until six months after the date of the issuance of such certificate.

Section 38-1206. PENALTIES FOR VIOLATION.--Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine in any sum not exceeding \$100.00 or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment.

Section 38-1207. DESIGNATION OF PHYSICIANS TO CONDUCT EXAMINATION.--To supplement the service required by this chapter to be rendered by health officers, the Commissioners of Public Welfare may designate any physician or physicians duly licensed to practice medicine and surgery in the State of Idaho to conduct, within their respective counties, the examinations prescribed by section 38-1204, and to certify the results thereof, and may accept and recognize the certificate of any such designated physician as evidence of compliance with the provisions of said section.

HOTELS AND FOOD VENDING ESTABLISHMENTS--REGULATION AND INSPECTION

Section 38-1301. HOTEL DEFINED.--Every building or structure kept, used or maintained as, or advertised as, or held out to the public to be an inn, hotel or public lodging house or place where sleeping accommodations are furnished for hire to transient guests, whether with or without meals, in which eight or more rooms are used for the accommodation of such guests shall, for the purpose of this chapter, be defined to be a hotel, and whenever the word hotel shall occur in this chapter, it shall be construed to mean every such structure as is described in this section.

Section 38-1302. HOTEL DAY.--It is hereby held and construed that rates per day for furnished rooms shall mean for twenty-four hours, or any part thereof, following the time of acceptance of a room by a guest.

Section 38-1303. RATES TO BE POSTED.--All rates shall be made by the management of hotels and posted in a conspicuous place in said hotels, and rates shall be based on a twenty-four hour day.

Section 38-1304. FIRE ESCAPES IN HOTELS MORE THAN TWO STORIES HIGH.--Every hotel that is more than two stories high shall be provided with a hall on each floor extending from one outside wall to the other in such a manner that every room upon such floor shall open upon such hall, or a cross hall connected therewith. There shall be equipped at the end of such hall an iron fire escape on the outside of the building connected on each floor above the first, with at least two openings, which shall be well fastened and secured with landings not less than six feet in length and three feet in width, guarded by an iron railing not less than three feet in height. Such landings shall be connected by iron stairs not less than two feet wide and with steps of not less than six inches tread; placed at an angle of not more than forty-five degrees and protected by a well secured hand rail on both sides and reaching to within eight feet of the ground, with a drop ladder twelve inches wide, reaching from the lower platform to the ground, and such stairs shall have attached on the outside thereof an iron ladder for the use of firemen. Such fire escapes shall be sufficient, if a perpendicular iron ladder shall be used instead of the stairs: Provided, such iron ladder is placed at the extreme outside of the platform and at least three feet away from the wall of the building: and provided, said iron ladder is equipped with round iron rounds not more than fifteen inches apart. The way of egress to such fire escapes shall, at all times be kept free and clear of all obstructions of any and every nature. There shall be posted and maintained in a conspicuous place in each hall and each guest's room, except the halls and rooms on the ground floor of such hotel, a printed notice in characters not less than two inches high, and printed in red ink, calling attention to and directing the way to such fire escapes. A red light shall be maintained in buildings over two stories high, on each floor, at the end of the hall, directly in front of the fire escape.

Section 38-1305. FIRE ESCAPES IN HOTELS TWO STORIES HIGH.--Every hotel which is two stories in height, or which is not provided with such fire escapes as are described in section 38-1304, shall

provide in every outside bedroom or sleeping apartment on any floor where the windows of such room are more than twelve feet above the ground, a manila rope at least five-eighths of an inch in diameter and of sufficient length to reach the ground, with knots or loops not more than fifteen inches apart and of such strength to sustain the weight and strain of at least 500 pounds. Such rope shall be securely fastened to the joist or studding of the building as near the window as practicable and shall be kept coiled in plain sight at all times, nor shall such rope be covered by curtains or other obstructions. Every such hotel shall provide and maintain, in a conspicuous place in every bedroom or sleeping apartment above the ground floor, a printed notice in red ink, calling attention to such rope and giving directions for its use.

Section 38-1306. FIRE EXTINGUISHERS AND HOSE.--Each and every hotel shall be provided with at least one efficient chemical fire extinguisher, approved by the national board of underwriters, for each 2500 square feet or less of floor area, which extinguisher or extinguishers shall be placed in a convenient location in a public hallway outside of the sleeping rooms, and in all public rooms, and shall always be in a condition for use; or, in lieu thereof, such hotel shall be equipped with a standpipe at least one and one-quarter inches in diameter, with hose connection and hose of sufficient length, always attached in the hallway on each floor, which standpipe shall be equipped with a sufficient pressure of water at all times,

Section 38-1307. GONGS.--Each and every hotel shall be provided with a gong at least nine inches in diameter on each floor, which shall be placed in the hallway in such a position that it will be easy of access and so that its ringing can be heard in every room, and means for ringing such gong shall be provided, which may be operated from the office or from the location of any such gongs and shall be sufficient to keep all of said gongs ringing continuously for at least three minutes after being started.

Section 38-1308. ASHES.--No ashes from any hotel shall be dumped or kept in, or adjacent thereto, or in any outhouse connected with any hotel unless the same be placed in a tight, metal container with a tight, metal lid kept thereon.

Section 38-1309. INDIVIDUAL TOWELS.--It shall be unlawful for each and every hotel having a public wash room to have what is known as a common towel, but shall keep at all times a sufficient supply of individual clean towels in sight and easy of access to guests.

Section 38-1310. SANITARY REGULATIONS.--Whenever any room in any hotel shall have been occupied by any person having a contagious or infectious disease, the said room shall be thoroughly fumigated under the direction of the health officer, and all bedding therein thoroughly disinfected, before said room shall be occupied by any other person; but, in any event, such room shall not be let to any person for a least forty-eight hours after such fumigation or disinfection.

All bedrooms shall be kept free from vermin and the bedding in use shall be clean and sufficient in quantity and quality; all sheets

shall be at least eight feet in length; each guest shall be furnished with at least two clean towels; in case bedrooms are carpeted, the carpet or carpets thereon shall be taken up and thoroughly cleaned at least once every six months, or in lieu thereof, thoroughly cleaned in place by the use of an efficient vacuum cleaner. No hotel keeper shall rent any room to any guest which does not contain an outside window, or some other proper means of ventilation; and in case of hotels hereafter constructed, no room shall be rented which has no outside window. In all hotels where fifty cents or more per day is charged for lodging, the sheets and pillow cases shall be changed after the departure of each guest, and shall be thoroughly washed and sterilized in scalding water or steam before being used for another guest. All windows and doors shall be properly screened and every possible effort shall be used to keep flies from bedrooms, kitchens and dining rooms. The walls and ceilings of all bedrooms, halls, stairways, corridors, lobbies, toilet rooms and bath rooms, shall be kept clean and free from dust, dirt, stains, etc., and shall be kalsomined, painted or papered as often as may be deemed necessary by the inspector to place them in a sanitary condition. All toilet rooms shall have outside ventilation.

Section 38-1311. PLUMBING.--Every hotel shall be well drained, constructed and plumbed according to the sanitary rules of the Department of Public Welfare and laws of the state, and shall be kept clean and in a sanitary condition and free from effluvia arising from any sewer, drain, privy or other source within the control of the owner, manager, agent or other person in charge, and shall be provided with water closets or privies properly screened for separate use of males and females, which water closets or privies shall be disinfected as often as may be necessary to keep them at all times in a sanitary condition.

Section 38-1312. ELEVATORS.--Every hotel owner, manager, agent or person in charge of every hotel which is equipped with a passenger or freight elevator shall cause the shaftway of such elevator or elevators to be inclosed with an iron sheeting, or other fire-proof material as nearly air-tight as is practicable, and shall provide automatic floor traps at each floor in such shaft, all of such appliances to be built in the most approved manner for the prevention of the spread of fire by means of such shaft.

Section 38-1313. DRINKING WATER.--It shall be the duty of every person conducting or operating a hotel, public inn, or lodging house to see that the drinking water supplied by said hotel, public inn, or lodging house is pure and free from disease germs. The source of supply must be far enough removed from privy vaults or other means of contamination to prevent drainage from said vaults to the wells or other source of supply, and the water supply shall be subject to examination by the Department of Public Welfare, and, when found unfit for drinking purposes, its use must be discontinued forthwith.

Section 38-1314. ANNUAL INSPECTION OF FOOD VENDING ESTABLISHMENTS--CERTIFICATE--SANITARY REGULATIONS.--It shall be the duty of the Department of Public Welfare to make an inspection at least once

a year, of all grocery stores, bakeries, candy factories or kitchens, confectionery stores, milk or cream stations, creameries, cheese factories, meat markets, vegetable and fruit markets or stands, or other places where food products are made, sold or handled, restaurants, boarding houses, cafes or any other place where meals are served to the public, soda fountains, ice cream parlors or stands, or other places where drinks are offered for sale, and, if found to be in a sanitary condition, shall issue a certificate of inspection to all such establishments. Said certificate shall be posted up in a conspicuous place in said inspected building, and shall be liable to be revoked at any time, and the place be closed by said department, if such premises shall become insanitary, or said business shall not be conducted in conformity to the provisions of this law; and shall not be reopened until it has been placed in a sanitary condition, and approved by the said department. All food, food products or beverages offered or intended for sale for human consumption must be fully and effectively protected from flies, dust, or other sources of contamination at all times, and where fresh, smoked or salted meats and dried or evaporated fruits in bulk are displayed for sale, they must be properly covered or protected from flies, dust or other contamination. All sidewalk displays of fruits, vegetables, or other food products must be on stands or other structures at an elevation of at least eighteen inches above the sidewalk or ground. No rusted tin or iron vessel shall be used in cooking or preparing food products or beverages offered or exposed for sale or intended for sale for human consumption, and all food products or beverages shall be kept in a clean and suitable place, free from dampness and contact with dirty water. The floors, closets, cupboards, walls and other parts of the kitchens, pantries, sculleries, and all other places where such food, food products, or beverages, are kept, cooked or prepared, shall at all times be kept clean and sanitary, and no dust or grease shall be allowed to collect thereon or therein. All windows, doors and other openings shall be properly and effectively screened to prevent the entry of flies, and no restaurant, store, bakery, or other place where food, food products or beverages are served, kept or sold, shall be considered to be in a sanitary condition if infested with flies, roaches or other vermin.

Section 38-1315. ENFORCEMENT OF LAW.--It shall be the duty of the department upon ascertaining by inspection or otherwise, that any hotel or restaurant or other place or thing required or allowed by this chapter to be inspected is being carried on contrary to the provisions of this chapter, to make complaint and cause the arrest of the person so violating the same, and it shall be the duty of the prosecuting attorney in such a case to prepare all necessary papers and conduct such prosecutions.

Section 38-1316. INSPECTOR'S BOOKS OPEN TO PUBLIC.--It shall be the duty of the Department of Public Welfare to see that all the provisions of this chapter are complied with and an official of said department shall personally inspect, once in each year, every hotel as defined by this chapter. Such officials are hereby granted police power to enter any hotel at reasonable hours to determine whether the provisions of this chapter are being complied with. The department shall keep a complete set of books for public use and inspection, showing the conditions of each hotel so inspected, together with the

name or names of the owners, proprietors and managers thereof, and showing the sanitary condition, the number and condition of its fire escapes and any other information for the betterment of the public service.

Section 38-1317. CERTIFICATE OF CONDITION--ISSUANCE AND POSTING. If the Department of Public Welfare shall find, after examination of any hotel, that this law has been fully complied with it shall issue a certificate to that effect to the person operating the same, and said certificate shall be kept posted up in a conspicuous place in said inspected building.

Section 38-1318. PENALTY FOR FALSE CERTIFICATE.--Any inspector of the Department of Public Welfare who shall wilfully certify falsely regarding any building inspected by him, and who shall issue a certificate to any person operating any hotel when such person has not complied with the provisions of this chapter, shall, on conviction thereof, be fined not less than fifty dollars nor to exceed \$500.00 and may be imprisoned not to exceed one year in the county jail, or both, at the discretion of the court, and upon conviction, shall be disqualified to hold said office.

• Section 38-1319. PENALTY FOR INTERFERENCE WITH INSPECTION.--Any owner, manager, agent or person in charge of a hotel, or other place to be inspected under the provisions of this law, who shall obstruct or hinder an inspector, or his deputy, in the proper discharge of his duties under this chapter, or who shall refuse or neglect to pay the fee for inspection prescribed herein, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars nor more than \$100.00, or shall be imprisoned in the county jail for not less than ten days nor more than three months, or both.

MISCELLANEOUS MATTERS

BARBERS

Section 53-602. PRACTICE DEFINED.--Any one or any combination of the following practices (when done upon the upper part of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when done for payment either directly or indirectly or without payment for the public generally) constitutes the practice of barbering:

- Shaving or trimming the beard or cutting the hair;
- Giving facial and scalp massage or treatments with oils, creams, lotions or other preparations, either by hand or mechanical appliances;
- Singeing, shampooing or dyeing the hair or applying hair tonic;
- Applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face, neck or upper part of the body.

Section 53-623. PHYSICAL EXAMINATION REQUIRED OF PRACTITIONERS--INSPECTION RULES.--All persons licensed and practicing, in this state, under the provisions of this chapter, shall be required to comply with Chapter 12 of title 38, and submit to the same physical examination as required of persons handling and preparing food to be sold or delivered to the public in general and procure a like certificate. Inspection of barbers and barber shops for the purpose of enforcing the provisions of this chapter shall be made by the Department of Public Welfare. The Department of Law Enforcement shall have authority to make reasonable rules and regulations for the administration of the provisions of this chapter and prescribe sanitary requirements for barber shops and barber schools, subject to the approval of the Department of Public Welfare, officers of which, or their agents, shall have authority to enter upon and to inspect any barber shop or barber school at any time during business hours. A copy of the rules and regulations adopted by the Department of Law Enforcement shall be furnished by the said Department of Law Enforcement to the owner and manager of each barber shop and barber school, and such copy shall be posted in a conspicuous place in such barber shop or barber school.

Section 53-701. BARBER SHOPS, HAIRDRESSING PARLORS, AND PUBLIC BATHING PLACES.--INSPECTION.--In the interest of the public health and to prevent the spread of contagious and infectious diseases, the Department of Public Welfare is charged with the sanitary supervision of all barber shops, hairdressing parlors, public bathhouses, public bathrooms and public bathing places in the State of Idaho.

Section 53-702. BARBER SHOPS, HAIRDRESSING PARLORS, AND PUBLIC BATHING PLACES--RULES AND REGULATIONS.--The Department of Public Welfare is hereby directed and empowered to inspect the places mentioned in section 53-701, and to make such rules and regulations as are necessary to safeguard the public health and to prevent the spread of contagious or infectious diseases, which rules and regulations shall be posted and published in the manner provided in section 36-303, and any person violating any such rules or regulations, when so posted and published, shall be guilty of a misdemeanor, and upon conviction shall be fined a sum not to exceed fifty dollars,

Section 53-703. BARBER SHOPS, HAIRDRESSING PARLORS, AND PUBLIC BATHING PLACES--CERTIFICATE.--Upon any such establishment herein being found to be in a sanitary condition, by the Department of Public Welfare, and complying with the regulations provided for in the preceding section, a certificate shall be issued by said department, without any cost, good for the year in which it is issued, which shall be kept posted in a conspicuous place. The owner, lessee, or manager of any barber shop, hairdressing parlor, public bathroom, bathhouse, or bathing resort who operates his business in violation of this provision shall be guilty of a misdemeanor, and punished as provided in the preceding section.

DOMESTIC WATER AND ICE

Section 36-1201. MANUFACTURE AND STORAGE OF ICE.--Ice manufactured or stored for human consumption shall be made from pure water, and shall be kept stored in clean places free from all filth, offal, refuse, and polluted waters and separate and removed from contact with animal or vegetable matter, and not in proximity to any cesspool, privy vault or sewer, nor in places where such ice may be subject to contamination from, or in the action of, acids, oils, noxious, offensive or injurious gases, smoke or vapors; and all ice manufactured or stored in violation of this section shall be deemed polluted ice and not fit for human consumption; and it shall be unlawful to sell, offer for sale, or store for sale such polluted ice, for human consumption.

Section 36-1202. DOMESTIC WATER TO BE PURE.--Any person or persons, corporation or corporations, or officers of a municipality, owning or maintaining any plant or system for the supply to the inhabitants of this state, or any part thereof, of water for domestic purposes shall keep the same clean and free from all impurities, accumulation of sediment, offal, refuse, dead animals, and all other foreign substances which tend to injure the health of the consumers of such water. The standard for water purification in the State of Idaho shall be that in force in the United States Interstate Quarantine Regulations.

Section 36-103. VIOLATIONS A MISDEMEANOR.--Any person, persons, corporation or corporations or officers of a municipality, failing or neglecting to comply with any of the provisions of this chapter shall be guilty of a misdemeanor,

POLLUTION

Section 17-2701. PUBLIC NUISANCE DEFINED.--Anything which is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, stream, canal or basin, or any public park, square, street, or highway, is a public nuisance.

Section 17-2703. PUNISHMENT FOR NUISANCE.--Every person who maintains or commits any public nuisance, the punishment for which is not otherwise prescribed, or who wilfully omits to perform any legal duty relating to the removal of a public nuisance, is guilty of a misdemeanor.

Section 17-2705. EXPOSURE OF PERSON WITH CONTAGIOUS DISEASE.--Every person who wilfully exposed himself or another afflicted with any contagious or infectious disease, in any public place or thoroughfare, except in his necessary removal in a manner the least dangerous to the public health, is guilty of a misdemeanor.

Section 17-2706. EXPOSURE OF ANIMAL CARCASSES.--Every person who puts the carcass of any dead animal, or the offal of any slaughter pen, corral or butcher shop, into any river, creek, pond, street, alley, public highway or road in common use, or who attempts to destroy the same by fire within one-fourth of a mile of any city, town or village, is guilty of a misdemeanor.

Section 17-2710. LEAVING CARCASSES NEAR HIGHWAYS, DWELLINGS AND STREAMS, AND POLLUTION OF WATER USED FOR DOMESTIC PURPOSES.--Any person who shall knowingly leave the carcass of any animal within a quarter of a mile of any inhabited dwelling, or on, along or within a quarter of a mile of any public highway or stream of water, for a longer period than twenty-four hours, without burying the same, and by such exposure or burial within 200 feet of any stream, canal, ditch, flume, or other irrigation works shall pollute or contaminate, so as to render unfit for domestic use, any natural stream of water, or the water in any canal, ditch, flume, or other irrigation works, used by others for domestic purposes, shall be guilty of a misdemeanor, and upon conviction shall be fined any sum not to exceed \$100.00.

Section 34-201. QUARTZ MILLS--RESERVOIRS AND DUMPS TO BE INCLOSED.--The owner or operator of any quartz mill must inclose with a good and substantial fence, sufficient to turn stock, all reservoirs and dumps or other material, known to contain that which is injurious to the health of stock.

Section 34-202. LIABILITY FOR FAILURE TO INCLOSE.--Every person who fails to comply with the provisions of the last section is liable to the owner of any stock injured by drinking the water or acids that flow from such mill, in twice the damage sustained.

Section 35-1001. MILLS MUST NOT POLLUTE STREAMS. --It shall be unlawful for the owner or owners of any sawmill, reduction works, or any of the employees thereof, or any other persons or persons, whomsoever, to deposit, throw in or in any way permit to pass into any stream or lake any sawdust, chemicals or other substances that will or may tend to the destruction of driving away from such waters, any fish, or kill any fish by the use of poison or deleterious drugs or by the use of any explosive substance or to explode or cause to be exploded, any powder, hercules powder, dynamite, nitroglycerine, lime gas, or other explosive substances, for the purpose of catching, killing or destroying any kind of fish: Provided, that if it shall become necessary for any person or persons to use any of said explosives for the purpose of internal improvements in any of the streams or lakes of this state, such person or persons before using such explosives must procure permission from the state fish and game warden or deputy warden of the county in which said explosives are to be used: Provided further, that nothing in this act contained shall prevent the owners of any quartz mill or reduction works in this state, now or hereafter, to be located upon any natural stream, or lake, from operating said quartz mill or reduction works where the said owner or owners thereof shall build or cause to be built a suitable dam for settling purposes: Provided, however, that before any dam shall be built, for any such settling purposes, the state fish and game warden shall first approve the plan for such dam for settling purposes, to be used in connection with said quartz mill or reduction works, for preventing any deleterious chemicals from flowing into such stream or lake.

Section 38-303. SUPPRESSION OF NUISANCES.--Such local board of health shall take cognizance of all unhealthy nuisances within the limits of their sanitary jurisdiction; and every person or corporation refusing or neglecting, after due notice, to comply with the requirements of said department in this respect shall be liable to a penalty of not exceeding fifty dollars or imprisonment in the county jail for not more than sixty days, or to both such fine and imprisonment. All questions arising between local boards as to jurisdiction or their relative duty in the abatement of any particular nuisance shall be referred to the Department of Public Welfare for settlement.

Section 65-4001. BIG PAYETTE LAKE--APPROPRIATION OF WATERS IN TRUST FOR PEOPLE.--The governor is hereby authorized and directed to appropriate in trust for the people of the State of Idaho all the unappropriated water of Big Payette Lake, or so much thereof as may be necessary to preserve said lake in its present condition. The preservation of said water in said lake for scenic beauty, health and recreation purposes necessary and desirable for all the inhabitants of the state is hereby declared to be a beneficial use of such water.

No fee shall be required in connection with said appropriation by the governor or the permit issued in connection therewith, and no proof of completion of any works of diversion shall be required, but license shall issue at any time upon proof of beneficial use to which said waters are now devoted.

Each succeeding governor in office shall be deemed to be a holder of such permit, in trust for the people of the state.

Section 65-4002. BIG PAYETTE LAKE--LANDS DEVOTED TO HEALTH AND RECREATIONAL USES.--The lands belonging to the State of Idaho between high and low water mark at said Big Payette Lake, as well as all other lands of the state adjacent to said lake, until the same are disposed of by the state board of land commissioners, are hereby declared to be devoted to a public use in connection with the preservation of said lake in its present condition as a health resort and recreation place for the inhabitants of the state and said public use is hereby declared to be a more necessary use than the use of said lands as a storage reservoir for irrigation or power purposes.

Section 65-4003. BIG PAYETTE LAKE--CONSTITUTIONALITY OF ACT.-- If any part of this act shall be adjudged to be invalid, such judgment shall not affect, impair or invalidate any part of the remainder.

Section 65-4004. PRIEST, PEND D'OREILLE, AND COEUR D'ALENE LAKES-- APPROPRIATION OF WATERS IN TRUST FOR PEOPLE. --The Governor is hereby authorized and directed to appropriate in trust for the people of the State of Idaho all the unappropriated water of Priest, Pend d'Oreille and Coeur d'Alene lakes or so much thereof as may be necessary to preserve said lakes in their present condition. The preservation of said water in said lakes for scenic beauty, health, recreation, transportation and commercial purposes necessary and desirable for all the inhabitants of the state is hereby declared to be a beneficial use of such water.

No fee shall be required in connection with said appropriation by the governor or the permit issued in connection therewith, and no proof of completion of any works of diversion shall be required, but license shall issue at any time upon proof of beneficial use to which said waters are now devoted.

Each succeeding governor in office shall be deemed to be a holder of such permit, in trust for the people of the state.

Section 65-4005. PRIEST, PEND D'OREILLE, AND COEUR D'ALENE LAKES-- LANDS DEVOTED TO HEALTH AND RECREATIONAL USE.--The lands belonging to the State of Idaho between high and low water mark at said lakes as well as all other lands of the state adjacent to said lake, until the same are disposed of by the state board of land commissioners are hereby declared to be devoted to a public use in connection with the preservation of said lakes in their present condition as a health resort and recreation place for the inhabitants of the state and said public use is hereby declared to be a more necessary use than the use of said lands as a storage reservoir for irrigation or power purposes.

Section 65-4006. PRIEST, PEND D'OREILLE, AND COEUR D'ALENE LAKES-- CONSTITUTIONALITY OF ACT.--If any part of this act shall be adjudged to be invalid, such judgment shall not affect, impair or invalidate any part of the remainder.

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OILS

Section 36-1601. ADULTERATED OR MISBRANDED OIL--MANUFACTURE AND SALE UNLAWFUL.--It shall be unlawful for any person to manufacture, sell, keep for sale, or offer for sale within the State of Idaho any gasoline, benzine, naphtha, lubricating oil or grease, road oil, fuel oil for boilers and internal combustion engines, which is adulterated or misbranded within the meaning of this chapter, and any person who shall manufacture, sell, keep for sale, or offer for sale any of the above-named articles, which is adulterated or misbranded within the meaning of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than twenty-five dollars, nor more than \$300.00, and each and every sale in violation hereof shall be deemed a separate offense.

Section 36-1602. INSPECTION.--It shall be the duty of the Department of Public Welfare to inspect and take samples of the above-named articles that are manufactured, kept for sale, or offered for sale, or sold within the State of Idaho and to cause the same to be tested and to enforce the provisions of this chapter.

Section 36-1603. RIGHT OF ACCESS FOR INSPECTION--PENALTY FOR OBSTRUCTING ENTRY OR INSPECTION.--For obtaining information regarding the suspected violation of this chapter, the Department of Public Welfare shall have access to all places where the above-named articles are sold, offered for sale or kept for sale, manufactured, or transported, or stored, and may take samples therefrom for analysis, tendering payment therefor. Any person obstructing such entry or inspection, or failing upon request to assist therein shall be guilty of a misdemeanor and shall be punished as provided in section 36-1601.

CHAPTER 136
1939 Idaho Session Laws
(S. B. No. 101)

AN ACT

CREATING A BUREAU OF INDUSTRIAL HYGIENE IN THE DIVISION OF PUBLIC HEALTH IN THE DEPARTMENT OF PUBLIC WELFARE: PRESCRIBING ITS POWERS AND DUTIES: MAKING AN APPROPRIATION FOR THE ADMINISTRATION OF THIS ACT: AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

Section 1. There is hereby created a bureau of industrial hygiene in the division of public health in the Department of Public Welfare, with the personnel having special knowledge of the causes and prevention of occupational diseases and the necessary laboratory facilities efficiently to perform its functions. The functions of such bureau shall be:

- (1) To devise a system of reporting of absenteeism from various types of disability, particularly occupational diseases;
- (2) To make a systematic survey and study of the various industrial health hazards of the state, and means for their control and prevention;
- (3) By itself and in cooperation with other state agencies to establish rules and regulations for the control and prevention of adult sicknesses in industry, particularly occupational diseases, in cooperation with the Industrial Accident Board.
- (4) To maintain an adequate and competent inspection service of the industries within the state in order to ascertain hazardous conditions to which employees may be subjected and to require the correction of such hazards in cooperation with various state agencies, and enforce rules and regulations approved by various state agencies.
- (5) To provide services to various state agencies, industries, labor, the medical profession, and other organizations interested in industrial hygiene;
- (6) To acquaint the adult industrial population of the state with the importance and value of industrial hygiene; and
- (7) To recommend to the legislature for enactment such measures as its study and experience may demonstrate to be advisable.

Section 2. There is hereby appropriated out of the general fund not otherwise appropriated, the sum of \$14,000.00 for salaries and wages, and the sum of \$8,500.00 for services other than personal and for other expenses, or so much of each of said sums as may be necessary, for the purpose of enabling the Department of Public Welfare to carry out the purposes of this act, for the period commencing the 1st day of January, 1939, and ending the 31st day of December, 1940.

Section 3. The compensation and salaries appropriated by Section 2 hereof may be used by the department to supplement other appropriations or allotments to the department, in order that officers engaged part time in industrial hygiene may receive part of their compensation and salaries from this appropriation, but otherwise said appropriation shall be subject to the following general regulations.

The compensation and salaries of all state officials and employees appropriated by Section 2 of this act shall be in full for services to be rendered by such officials or employees to the state during the period for which such appropriations are made, and where not fixed by law, such salaries shall be fixed by the head of the department, subject to the approval of the state board of examiners.

Section 4. No portion of the appropriations herein made for expenses other than salaries and wages shall be expended in payment of salaries and wages, but with the consent of the state board of examiners, any portion of any appropriation herein made for the payment of salaries and wages may be expended for other expenses of the particular office or department for which it is appropriated.

Section 5. An emergency existing therefor, which emergency is hereby declared, this Act shall be in force and effect from and after its passage and approval.

BUREAU OF CHILD HYGIENE

Section 65-3001. DEPARTMENT OF PUBLIC WELFARE--POWERS AND DUTIES. The Department of Public Welfare shall have power:

1. To exercise the rights, powers and duties vested by law in the board of directors of the Northern Idaho Sanitarium, its president and secretary.
2. To exercise the rights, powers and duties vested by law in the board of directors of the Idaho State Sanitarium, its president and secretary.
3. To exercise the rights, powers and duties of the board of trustees of the soldiers' home, its chairman and secretary.
4. To exercise the rights, powers and duties vested by law in the state board of health, the secretary of the state board of health, and all its other officers and employees.
5. To exercise the rights, powers and duties vested by law in the Bureau of Vital Statistics, the state registrar of vital statistics and the assistant state registrar of vital statistics.
6. To exercise the rights, powers and duties vested by law in the dairy, food and sanitary inspector and his deputies and the state chemist.

Section 65-3002. BUREAU OF CHILD HYGIENE--CREATION.--There is hereby created in the Department of Public Welfare a bureau to be known as the division of child hygiene, to be under the general supervision and direction of the department, the director of which bureau shall be the Commissioner of the Public Welfare, or some woman, if any there be, in that department.

Section 65-3003. BUREAU OF CHILD HYGIENE--DUTIES.--The general duties of the bureau of child hygiene shall include the issuance of educational literature on the care of the baby and the hygiene of the child, the study of the causes of infant mortality and the application of preventative measures for the prevention and suppression of the diseases of infancy and early childhood, and such other duties as are prescribed by the department.

FEDERAL AID FOR MATERNITY AND INFANCY WELFARE

Section 38-801. ACCEPTANCE OF SHEPPARD-TOWNER ACT.--The State of Idaho hereby accepts the benefits and provisions of an act of congress approved November 23, 1921, entitled "An act for the promotion of the welfare and hygiene of maternity and infancy and for other purposes," commonly known as the Sheppard-Towner act.

Section 38-802. STATE BUREAU OF CHILD HYGIENE AS COOPERATING AGENCY--POWERS AND DUTIES.--The state bureau of child hygiene is hereby designated as the cooperating agency for the purpose of carrying into effect the provisions of the federal act, known as the Sheppard-Towner act, and is hereby authorized to cooperate with the children's bureau of the United States Department of Labor in the administration and enforcement of the provisions of said act, and to exercise such powers and perform such acts as are necessary to entitle the state to receive the benefits of said act; to administer the funds provided by the federal government and the State of Idaho under the provisions of this chapter for the promotion of the welfare and hygiene of maternity and infancy. It shall have full power to formulate plans for the promotion of the welfare and hygiene of maternity and infancy. It shall designate, by and with the advice and consent of the Commissioner of Public Welfare such officers and assistants as may be necessary to properly carry out the provisions of the federal act and this chapter for the State of Idaho. It shall have full power to fix the compensation of such officials and assistants as may be necessary to administer the federal act herein referred to: Provided, that no official, or agent, or representative of the State in carrying out the provisions of this chapter or the said federal act shall enter any home or take charge of any child over the objection of the parents, or either of them or the person standing in loco parentis or having custody of such child, and nothing in this chapter or in the regulations or plans adopted hereunder shall be construed as limiting the power of a parent or guardian or person standing in loco parentis to determine what treatment or correction shall be provided for a child or the agency or agencies to be employed for such purpose.

Section 38-803. DUTIES OF STATE TREASURER.--The state treasurer is hereby designated and appointed custodian of all moneys received by the state from the appropriation made by said act of congress, and he is authorized to receive and to provide for the proper custody of the same and to make disbursements therefrom in the manner provided in the said act and for the purposes herein specified. He shall also pay out any moneys appropriated by the State of Idaho for the promotion of the welfare and hygiene of maternity and infancy in accordance with the provisions of this chapter, and upon the order of the Commissioner of Public Welfare.

Section 38-804. REPORTS OF STATE BUREAU OF CHILD HYGIENE.--The state bureau of child hygiene shall make to the Commissioner of Public Welfare, the governor of the State of Idaho, and the legislature biennially a report of all moneys expended for the promotion of the welfare and hygiene of maternity and infancy both from state and federal funds, and shall include such biennial report in the biennial report of the State Department of Public Welfare.

LICENSING OF LYING-IN HOSPITALS

Section 38-901. LICENSE REQUIRED--CONDITIONS OF ISSUANCE--DURATION AND REVOCATION--RECORD BOOK--VISITATION.--It shall be unlawful for any person or persons, firm or corporation, other than an institution duly incorporated for such purposes, to establish and keep a lying-in hospital, ward or private place, for reception, care and treatment of women in labor without first having obtained a license so to do from the Department of Public Welfare. The Commissioner of Public Welfare is hereby authorized to license any person or persons, firm or corporation to establish and keep such hospital, ward or private place, upon written application filed with the same Commissioner of Public Welfare accompanied by the indorsement of six or more persons of good reputation in the community, citizens of the county where such hospital, hospital ward, or other private place may be located, who will certify to the respectability of the applicant, and that the hospital, hospital ward, or other private place shall only be used for legitimate, and moral purposes whether a charitable institution or conducted for profit, if after inquiry of said Commissioner of Public Welfare it is believed that the applicant is a proper person, and that the premises are suitable, and properly arranged for such purpose, upon the payment of a fee of five dollars. Such license shall continue for the period of two years, subject, however, to be revoked by the Commissioner of Public Welfare upon any violation of any rules and regulations enacted by the said Commissioner of Public Welfare for the government of such hospitals, hospital wards, or other private places. The proprietor of every such hospital, ward or other private place shall keep a record in a book provided for that purpose, containing the full name and address of each person admitted, the date of admission, and the date of birth of every child, the date of its removal, and the name of the attending physician, if any. Such hospital, hospital ward, or other private place shall be subject to the visitations or inspection at any time by said Commissioner of Public Welfare or any special officer, that may be appointed for that purpose by the district court of any county in which the hospital, hospital ward or other private place conducted for such purpose shall be located upon the petition of any state officer or any society for the prevention of cruelty to children.

Section 38-902. REPORTS OF BIRTHS.--The proprietor of every hospital, hospital ward, or other private place for lying-in purposes to which the license shall have been granted according to section 38-901, shall within three days after the birth of any child, report to the said Commissioner of Public Welfare the date and place of birth, the name, sex, and color of the child.

Section 38-903. PENALTIES FOR VIOLATIONS.--Whoever shall violate the provisions of section 38-901 by keeping a hospital, hospital ward or any other private place for lying-in purposes without a license or shall violate the provisions of section 38-902, shall be guilty of a misdemeanor, and for the first offense, upon conviction thereof shall be punished by a fine not exceeding \$100.00 and for the second offense, upon the conviction thereof, shall be punished by a fine not exceeding \$200.00 or imprisonment for not more than six months in the county jail, or either or both, at the discretion of the court.

REGISTRATION OF DEATHS, BIRTHS, AND MARRIAGES

Section 38-201. JURISDICTION OF DEPARTMENT OF PUBLIC WELFARE.---The department of public welfare shall have charge of registration of births and deaths; to prepare the necessary methods, forms and blanks for obtaining and preserving such records and to insure the faithful registration of the same in the townships, cities, counties and in the central bureau of vital statistics at the capital of the state. The said department shall be charged with the uniform and thorough enforcement of the law throughout the state, and shall from time to time recommend any additional forms and amendments that may be necessary for this purpose.

Section 38-202. LOCAL REGISTRATION DISTRICTS.--For the purpose of this chapter, the state shall be divided into registration districts as follows: Each city and incorporated town shall constitute a primary registration district; and for that portion of each county outside of the cities and incorporated towns therein, the department of public welfare shall define and designate the boundaries of a sufficient number of rural registration districts, which it may change from time to time as may be necessary to insure the convenience and completeness of registration.

Section 38-203. LOCAL REGISTRARS.--The department of public welfare shall appoint a local registrar of vital statistics for each registration district in the state. The term of office for local registrars, appointed by said department, shall be for four years, beginning with the first day of January, 1919, and their successors shall be appointed at least ten days before the expiration of their terms of office.

Any local registrar appointed by said department who fails or neglects to discharge efficiently the duties of his office as laid down in this chapter, or who fails to make prompt and complete returns of births and deaths, as required thereby, shall be forthwith removed from his office by the department of public welfare, and his successor appointed, in addition to any other penalties that may be imposed, under other sections of this chapter, for failure or neglect to perform his duty.

Each local registrar appointed by said department shall, immediately upon his acceptance of appointment as such, appoint a deputy, whose duty it shall be to act in his stead in case of absence, illness, or disability, who shall in writing accept such appointment, and who shall be subject to all rules and regulations governing the action of local registrars. And when it may appear necessary for the convenience of the people in any rural district, the local registrar is hereby authorized, with the approval of the department of public welfare, to appoint one or more suitable persons to act as sub-registrars, who shall be authorized to receive certificates and to issue burial or removal permits in and for such portions of the district as may be designated; provided, that if no suitable person can be obtained to act as a local registrar, or if the department of public welfare may desire, for any reason whatever, more local registrars, the said department may appoint any justice of the peace of the state as a local registrar, and when so appointed and notified of said appointment, it shall be the duty of the said justice of the peace so appointed to perform all the duties of a local or sub-registrar; and each sub-registrar shall note, over his signature, the date on which

each certificate was filed, and shall forward all certificates to the local registrar of the district within ten days, and in all cases before the third day of the following month: Provided, that all sub-registrars shall be subject to the supervision and control of the Department of Public Welfare, and may be by it removed for neglect or failure to perform their duties in accordance with the provisions of this chapter or its rules and regulations, and they shall be liable to the same penalties for neglect of duties as the local registrars.

Section 38-204. DEAD BODIES--PERMITS FOR BURIAL, REMOVAL, AND TRANSPORTATION.--The body of any person whose death occurs in the state shall not be interred, deposited in a vault or tomb, cremated or otherwise disposed of, or removed from or into any registration district or be temporarily held pending further disposition more than seventy-two hours after death, until a permit for burial, removal or other disposition thereof shall have been properly issued by the local registrar of the registration district in which the death occurred. And no such burial or removal permit shall be issued by any registrar until a complete and satisfactory certificate of death has been filed with him as hereinafter provided: provided, that when a dead body is transported by common carrier into a registration district in Idaho for burial, then the transit and removal permit, issued in accordance with the law and health regulations of the place where the death occurred, when said death occurs outside the State of Idaho, shall be accepted by the local registrar of the district into which the body has been transported for burial or other disposition, and burial permits issued by other states shall be accepted by cemeteries of this state as full and final authority for burial. Such permits shall be treated as if they had been issued by this state. They shall be endorsed by the cemetery sexton and permanently retained in the sexton's files, but shall plainly enter upon the face of the burial permit the fact that it was a body shipped in for interment, and give the actual place of death; and a burial permit shall not be required from the local registrar of the district in which interment is made, when a body is removed from one district in Idaho to another in the state for purpose of burial or other disposition, either by common carrier, hearse, or other conveyance after having been once issued at the place, or district, where the death occurred; and no local registrar shall, as such, require from undertakers or persons acting as undertakers any fee for the privilege of burying dead bodies.

Section 38-204-a. Prescribes form of burial permit.

Section 38-205. STILLBORN CHILDREN.--Stillborn children, or those dead at birth, shall be registered as births and also as deaths, and a certificate of both the birth and death shall be filed with the local registrar in the usual form and manner, the certificate of birth to contain, in place of the name of the child, the word "stillbirth." The medical certificate of the cause of death shall be signed by the attending physician, if any, and shall state the cause of death as stillborn, with the cause of the stillbirth, if known, whether a premature birth, and, if born prematurely, the period of uterine gestation in months, if known; and a burial or removal permit in the usual form shall be required. Midwives shall not sign certificates of death for stillborn children; and such cases, and stillbirths occurring without attendance of either physician or midwife, shall be treated as deaths without medical attendance, as provided for in section 38-207.

Section 38-206. CERTIFICATES OF DEATH.--The certificate of death shall contain the following items:

1. Place of death, including state, county, township, city, the ward, street and house number. If in a hospital or other institution, the name of the same to be given instead of the street and house number. If in an industrial camp, the name of the camp to be given.

2. Full name of decedent. If an unnamed child, the surname preceded by the word "unnamed."

3. Sex.

4. Color or race--white, black (negro or negro descent), Indian, Chinese, Japanese, or other.

5. Conjugal condition--as single, married, widowed or divorced.

6. Date of birth, including the year, month and day.

7. Age, in years, months and days.

8. Place of birth; state or foreign country.

9. Name of father.

10. Birthplace of father; state or foreign country.

11. Maiden name of mother.

12. Birthplace of mother; state or foreign country.

13. Occupation. The occupation to be reported of any person who had any remunerative employment; women as well as men.

14. Signature and address of informant.

15. Date of death, year, month and day.

16. Statement of medical attendance on decedent, fact and time of death, time last seen alive.

17. Cause of death, including the primary and contributory causes or complications, if any, and duration of each.

18. Signature and address of physician or official making the medical certificate.

19. Length of residence at place of death and in state. Special information concerning deaths in hospitals and institutions, and of persons dying away from home, including the former or usual residence, and place where the disease was contracted.

20. Place of burial or removal.

21. Date of burial or removal.

22. Signature and address of undertaker.

23. Official signature of registrar, with the date when certificate was filed, and registered number.

The person and statistical particulars (items 1 to 13) shall be authenticated by the signature of the informant, who may be any competent person acquainted with the facts.

The statement of facts relating to the disposition of the body shall be signed by the undertaker or person acting as such.

The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased, who shall specify the time in attendance, the time he last saw the deceased alive and the hour of the day at which death occurred. And he shall further state the cause of death, so as to show the course of disease or sequence of causes resulting in death, giving the primary cause, and also the contributory causes, if any, and the duration of each. Indefinite and unsatisfactory terms, indicating only symptoms of disease or conditions resulting from disease, will not be held sufficient for issuing a burial or removal permit; and any certificate containing only such terms as defined by the state registrar as indefinite and unsatisfactory, shall be returned to the physician for correction and definition. The international classification of the causes of death shall be used by all physicians in stating the cause of death in the medical certificate. Causes of death, which may be the result of either disease or violence, shall be carefully defined; and if from violence, its nature shall be stated, and whether, (probably) accidental, suicidal, or homicidal. And in case of deaths in hospitals, institutions, or away from home, the physician shall furnish the information required under this head (item 19) and shall state where, in his opinion, the disease was contracted.

Section 38-207. CERTIFICATES OF DEATH IN CASES WITHOUT MEDICAL ATTENDANCE.--In case of any death occurring without medical attendance it shall be the duty of the undertaker or person acting as such to

notify the local registrar of such death and if the local registrar is a qualified physician he shall, at once, investigate the circumstances of the case and from the results of such investigation make a certificate and return of death, noting this fact upon the certificate; provided, that, when the local health officer is not a qualified physician, or when there is no such official, and in such cases only, the registrar is authorized to make the certificate and return from the statement of relatives or other persons having adequate knowledge of the facts: Provided further, that if the death was caused by unlawful or suspicious means, the registrar shall then refer the case to the coroner for his investigation and certificate; and any coroner, whose duty it is to hold an inquest on the body of any deceased person, and to make the certificate of death required for a burial permit, shall state in his certificate the name of the disease causing death, or the means of death: causes of violence, and whether (probably) accidental, suicidal, or homicidal, as determined by the inquest; and shall, in either case, furnish such information as may be required by the Department of Public Welfare properly to classify the death.

Section 38-208. DUTIES OF UNDERTAKER--DUTY OF TRANSPORTATION COMPANIES.--The undertaker, or person acting as undertaker, shall be responsible for obtaining and filing the certificate of death with the local registrar of the district in which the death occurred, and securing a burial or removal permit, prior to any disposition of the body. He shall obtain the personal and statistical particulars required from the person best qualified to supply them, over the signature and address of his informant. He shall then present the certificate to the attending physician, if any, or to the health officer or coroner, as directed by the local registrar, for the medical certificate of the cause of death and other particulars necessary to complete the record, as specified in section 38-207; and he shall then state the facts required relative to the date and place of burial, over his signature and with his address, and present the completed certificate to the local registrar, who will issue a permit for burial, removal or other disposition of the body. The undertaker shall deliver the burial permit to the sexton, or person in charge of the place of burial, before interring or otherwise disposing of the body, or shall attach the transit permit containing the registration removal permit to the box containing the corpse, when shipped by any transportation company, said permit to accompany the corpse to its destination, where, if within the state of Idaho, it shall be delivered to the sexton or to other person in charge of the place of burial.

No railroad company, steamship company, or other transportation company, shall accept a corpse of a human being at any point in the State of Idaho, for shipment to any point within or outside of the State of Idaho, without said corpse being accompanied by a registration removal permit.

Section 38-209. (as amended) BURIAL PERMITS--INTERMENT WITHIN STATE.--If the interment or other disposition of the body is to be made within the state, the wording of the burial permit may be limited to a statement by the registrar, and over his signature, that a satisfactory certificate of death having been filed with him, as required by law, permission is granted to inter, remove, or otherwise dispose of the deceased, stating the name, age, sex, cause of death, and other necessary details upon the form prescribed by the state registrar; provided that if the interment is to be made within the state, the place of interment, if in the ground, must be of a depth of not less than six feet and if above the ground must be within a rock, concrete, or

metal vault, securely sealed and provided further that prematurely born infants and amputated parts of human bodies shall be buried three feet under ground or cremated.

Section 38-210. DISINTERMENT--RULES AND REGULATIONS--No body shall be disinterred within the State of Idaho except upon a permit granted by the Department of Public Welfare. The forms of disinterment permits shall be prepared by the Department of Public Welfare. Disinterment and removal must be done under the personal supervision of a licensed embalmer, and must be done at an hour when there is the least possible exposure. Only such persons as are actually necessary shall be present. The coffin shall not be opened either at place of disinterment or place of destination, except special permit be issued by the Department of Public Welfare. And in case of disinterment of bodies dead by reason of contagious and infectious diseases, as shown by the certificate of death given by the attending physician, the sexton and all other persons engaged in such removal or being present shall immediately thereafter change their clothing and properly disinfect their hands, head and face: Provided, that such disinterment may also be governed by rules and regulations promulgated by the Department of Public Welfare and a synopsis of the same shall be printed on the back of every permit: Provided, also, that in case of any contagious and infectious disease where remains are to be shipped to points in other states, permission must first be obtained from the secretary of the State Board of Health of such state. The Department of Public Welfare may also issue a special disinterment permit for legal purposes. This permit for legal purposes shall be granted only upon application of a prosecuting attorney or the attorney-general of this state, stating therein such facts which make it evident to the Department of Public Welfare that the ends of justice require that disinterment be permitted. Such special disinterment for legal purposes shall be governed by rules and regulations promulgated by the Department of Public Welfare and a synopsis of the same shall be printed on the back of every such special disinterment permit for legal purposes.

Section 38-211. DUTIES OF SEXTON.--No sexton or person in charge of any premises in which interments are made shall inter or permit the interment or other disposition of any body unless it is accompanied by a burial, removal or transit permit, as herein provided; and each sexton or person in charge of any burial ground shall indorse upon the permit the date of interment over his signature, and shall return all permits so indorsed to the local registrar of his district within ten days from the date of interment, or within the time fixed by the local board of health. He shall also keep a record of all interments made in the premises under his charge, stating the name of the deceased person, place of death, date of burial and name and address of the undertaker, which record shall at all times be open to public inspection.

Section 38-212. TRANSPORTATION OF BODIES OF PERSONS DYING OF CERTAIN DISEASES.--REGULATIONS.-- The transportation of bodies dead of smallpox, plague, Asiatic cholera, yellow fever, typhus fever, diphtheria (membranous group or diphtheritic sore throat, scarlet fever (scarlet rash or scarletina), erisypelas, anthrax and leprosy shall be permitted only under the following conditions: The body shall be thoroughly embalmed with an approved disinfectant fluid, all orifices shall be closed with absorbent cotton, the body shall be washed with the disinfectant fluid, enveloped in a sheet saturated with the same,

and placed at once in a coffin or casket, which shall be immediately closed, and the coffin or casket, or the outside case containing the same, shall be metal or metal-lined, and hermetically and permanently sealed. The transportation of bodies dead of any disease other than those aforementioned shall be permitted under the following conditions: a. When the destination can be reached within twenty-four hours after death, the coffin or casket shall be enclosed in a strong outside box made of good, sound lumber, not less than seven-eighths of an inch thick. b. When the destination cannot be reached within twenty-four hours after death, the body shall be thoroughly embalmed, and the coffin placed in a strong, well-made outside shipping case.

No disinterred body, dead from any disease or cause, shall be transported by common carriers, unless approved by health authorities having jurisdiction at the place of disinterment and the Department of Public Welfare, and a permit and transit label shall be required as herin provided. The disinterment and transportation of bodies dead of diseases mentioned in paragraph 1 of this section, shall not be allowed except upon permission of the health authorities, at both place of disinterment and the point of destination, and the Department of Public Welfare. All disinterred remains for transportation shall be incased in metal caskets or metal-lined boxes, and hermetically sealed: Provided, that bodies in a recovering vault, when prepared by a licensed embalmer, shall not be regarded as disinterred bodies until after the expiration of thirty days. The outside case may be omitted in all instances when the body is transported in hearse or funeral director's wagon. Every outside case shall bear at least four handles, and when over six feet six inches in length shall bear six handles.

An approved disinfectant fluid shall not contain less than five per cent of formaldehyde gas, the term embalming as employed herein shall require the injection by a licensed embalmer of not less than ten per cent of the body weight for bodies of persons dead of diseases enumerated in paragraph 1, injected arterially, in addition to cavity injection; and not less than six per cent of the body weight injected arterially in all other cases in addition to cavity injection, and ten hours shall elapse between the time of embalming and the shipment of the body, and no disinfecting or embalming fluid which contains arsenic or any arsenical preparation shall be used on any body dead of any disease whatsoever.

A copy of the original death certificate or the standard certificate or the standard certificate of death form, signed by attending physician or coroner, permit of registrar, and a transit label supplied by the Department of Public Welfare, signed by the shipping funeral director, and initial baggage agent, and printed on strong white paper, shall be required for the transportation by common carriers of bodies of persons dying in this state. The death certificate shall contain such information as is required in the standard form of death certificate if obtainable. The registrar's permit shall authorize the transportation of the body of the person described in the physician's or coroner's certificate. The shipping funeral director shall state on the shipping label how the body is prepared, and the local baggage agent shall state thereon the route, name and address of escort. The physician's or coroner's certificate and registrar's permit shall be given the escort, to be delivered with the body at destination. The shipping label shall be securely attached to the outside case. If the

body is sent by express, the physician's or coroner's certificate and the permit shall be attached to the express way bill, and delivered with the body at the destination, and the shipping label shall be attached to the outside case.

A failure or neglect by any licensed embalmer to follow the provisions of this statute shall, in addition to any other punishment prescribed, be sufficient cause for revocation of embalmer's license.

The undertaker or person in charge of the funeral of any person dying of tuberculosis shall, within forty-eight hours after death of the person, report to the health officer of the city or town, or county, the name and residence of the deceased person, together with cause of death. Upon receipt of the notice as herein provided, the health officer of the city, or town, or county, shall cause said premises to be disinfected in accordance with the regulations of the Department of Public Welfare.

The form of death certificate, registrar's permit, and the label as described herein, with the provisions of this section printed thereon shall be prepared by the Department of Public Welfare and shall be used in this state for the shipment of bodies as herein provided.

Section 38-213. REGISTRATION OF BIRTHS.--All births that occur in the state shall be immediately registered in the districts in which they occur, as hereinafter provided.

Section 38-214. REGISTRATION OF BIRTHS--DUTIES OF PHYSICIANS AND MIDWIVES.-- It shall be the duty of the attending physician or midwife to file a certificate of birth, properly and completely filled out, giving all the particulars required by this chapter, with the local registrar of the district in which the birth occurred, within ten days after the date of birth; and if there be no attending physician or midwife, then it shall be the duty of the father or mother of the child, nurse, attendant, any person present at the time of such birth, householder, or owner of the premises, having knowledge of such birth, manager or superintendent of public or private institutions in which the birth occurred, to notify the local registrar, within ten days after the birth, of the fact of such birth having occurred. It shall then, in such case, be the duty of the local registrar to secure the necessary information and signature to make a proper certificate of birth: Provided, that in cities, the certificate of birth shall be filed at a less interval than ten days after the birth, if so required by municipal ordinances or regulations now in force or that may hereafter be enacted.

Section 38-215. CERTIFICATE OF BIRTH.--The certificate of birth shall contain the following items:

1. Place of birth, including state, county, township or town, village or city; if in a city, the ward, street, and house number; if in a hospital or other institution, the name of the same to be given, instead of the street and house number.

2. Full name of child. If the child dies without a name, before the certificate is filed, enter the words "died unnamed.". If the living child has not yet been named at the date of filing certificate of birth, the space for full name of child is to be left blank

to be filled out subsequently by a supplemental report, as hereinafter provided.

3. Sex of child.

4. Whether a twin, triplet, or other plural birth. A separate certificate shall be required for each child in case of plural birth, giving number of child in order of birth.

5.

6. Full name of father.

7. Residence of father.

8. Color or race of father.

9. Birthplace of father; state or foreign country.

10. Age of father, at last birthday, in years.

11. Occupation of father.

12. Maiden name of mother.

13. Residence of mother.

14. Color or race of mother.

15. Birthplace of mother; state or foreign country.

16. Age of mother, at last birthday, in years.

17. Occupation of mother.

18. Number of child of this mother, and number of children of this mother now living.

19. All certificates, either of birth or death, shall be written legibly, in unfading black ink, and no certificate shall be held to be complete and correct that does not supply all of the items of information called for herein, or satisfactorily account for their omission.

Section 38-216. CERTIFICATES OF BIRTH--GIVEN NAMES.--When any certificate of birth of a living child is presented without the statement of the given name, then the local registrar shall make out and deliver to the parents of the child, or informant, a special blank for the supplemental report of the given name of the child, which shall be filled out as directed, and returned to the local registrar as soon as the child shall have been named.

Section 38-217. REGISTRATION OF PHYSICIANS, MIDWIVES, AND UNDERTAKERS.--Every physician, midwife, and undertaker shall, without delay, register his or her name, address and occupation with the local registrar of the district in which he or she resides, or may hereafter establish a residence; and shall thereupon be supplied by the local registrar with a copy of this chapter, together with such rules and regulations as may be prepared by the Department of Public Welfare relative to its enforcement. Within thirty days after the close of each calendar year, each local registrar shall make a return to the Department of Public Welfare of all physicians, midwives, or undertakers who have been registered in his district during the whole or any part of the preceding calendar year: Provided, that no fee or other compensation shall be charged by the local registrars to physicians, midwives or undertakers for registering their names under this section or making returns thereof to the Department of Public Welfare.

Section 38-218. STATISTICAL RECORDS TO BE KEPT BY HOSPITALS.--All superintendents or managers, or other persons in charge of hospitals, almshouses, lying-in or other institutions, public or private, to which persons resort for treatment of diseases, confinement, or are committed by process of law, are hereby required to

make a record of all the personal and statistical particulars relative to the inmates in their institutions at the date of approval of this chapter, that are required in the forms of the certificates provided for by this chapter, as directed by the Department of Public Welfare; and thereafter such record shall be, by them, made for all future inmates at the time of their admission; and in case of persons admitted or committed for medical treatment of disease, the physician in charge shall specify for entry in the record, the nature of the disease, and where, in his opinion, it was contracted. The personal particulars and information required by this section shall be obtained from the individual himself if it is practicable to do so; and when they can not be so obtained, they shall be secured in as complete a manner as possible from relatives, friends, or other persons acquainted with the facts.

Section 38-219. STATISTICAL FORMS AND RECORDS--DEPARTMENT OF PUBLIC WELFARE.--The Department of Public Welfare shall prepare, print and supply to all registrars all blanks and forms used in registering, recording and preserving the returns, or in otherwise carrying out the purposes of this chapter; and shall prepare and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration. And no other blanks shall be used than those supplied by the Department of Public Welfare. The department shall carefully examine the certificates received monthly from the local registrars, and if any such are incomplete or unsatisfactory, it shall require such further information to be furnished as may be necessary to make the record complete and satisfactory. And all physicians, midwives, informants or undertakers connected with any case, and all other persons having knowledge of the facts, are hereby required to furnish such information as they may possess, regarding any birth or death, upon demand of the Department of Public Welfare, in person, by mail, or through the local registrar. The department shall further arrange, bind and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive and continuous card index of all births and deaths registered; the cards to show the name of child or deceased, place and date of birth or death, number of certificate, and the volume in which it is contained. The department shall inform all registrars what diseases are to be considered as infectious, contagious, or communicable and dangerous to the public health as decided by the Department of Public Welfare, in order that when deaths occur from such diseases, proper precautions may be taken to prevent the spreading of dangerous diseases.

Section 38-220. STATISTICAL FORMS AND RECORDS--DUTIES OF LOCAL REGISTRARS.--It shall be the duty of the local registrars to supply blank forms of certificates to such persons as require them. Each local registrar shall carefully examine each certificate of birth or death when presented for record to see that it has been made out in accordance with the provisions of this chapter and the instructions of the Department of Public Welfare; and if any certificate of death is incomplete or unsatisfactory, it shall be his duty to call attention to the defects in the return, and to withhold issuing the burial or removal permit until they are corrected. If the certificate of death is properly executed and complete, he shall then issue a burial or

removal permit to the undertaker; provided, that in case the death occurred from some disease that is held by the Department of Public Welfare to be infectious, contagious, or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be granted by the registrar, except under such conditions as may be prescribed by the department. If a certificate of birth is incomplete, he shall immediately notify the informant, and require him to supply the missing items if they can be obtained. He shall then number consecutively the certificates of birth and death, in two separate series, beginning with the number one for the first birth and first death in each calendar year, and sign his name as registrar in attest of the date of filing in his office. He shall also make a complete and accurate copy of each birth and death certificate registered by him in a record book of approved form, to be kept and permanently preserved in his office as the local record of such birth and death, in such manner as directed by the Department of Public Welfare; and he shall, on the tenth day of each month, transmit to the Department of Public Welfare all original certificates registered by him during the preceding month; and if no births or deaths occurred in any month, he shall, on the tenth day of the following month, report that fact to the department on a card provided for this purpose.

Section 38-221. COMPENSATION OF LOCAL REGISTRARS.--Each local registrar shall be entitled to be paid the sum of twenty-five cents for each birth and each death certificate properly and completely made out and registered with him, and correctly copied and promptly returned by him to the Department of Public Welfare, as required by this chapter. And in case no births or deaths were registered during any month, the local registrar shall be entitled to be paid the sum of twenty-five cents for each report to that effect, promptly made in accordance with this chapter; provided, however, that compensation for such services may be fixed by the city council or other governing body of such city, incorporated town, or registration district. All amounts payable to registrars, outside of cities or incorporated towns, under provisions of this section shall be paid by the treasurer of the county in which the registration districts are located, upon certification by the Department of Public Welfare. All amounts payable to registrars of cities and incorporated towns under the provisions of this section shall be paid by the treasurer of such city or town comprising such registration district upon certificate by the Department of Public Welfare, and the department shall semiannually certify to the treasurers of the several counties the number of births and deaths registered, with the names of the local registrars and the amounts due each at the rates fixed herein; provided, however, that no warrant shall be issued to any local registrar where notice is previously given by the Department of Public Welfare to the auditor, city clerk, or other proper officer of such registration district that the local registrar has failed to comply with its instructions or rules and regulations.

Section 38-222. FEES FOR CERTIFIED COPIES AND SEARCHES.--The Department of Public Welfare shall, upon request, furnish any applicant a certified copy of the record of any birth or death registered under the provisions of this chapter, for the making and certification of which it shall be entitled to a fee of fifty cents, to be paid by the applicant; and any such copy of the record of a birth or death, when

properly certified by the department to be a true copy thereof, shall be prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records, when no certified copy is made, the Department of Public Welfare shall be entitled to a fee of fifty cents for each hour or fractional part of an hour of the time of search, to be paid by the applicant. And the Department of Public Welfare shall keep a true and correct account of all fees received under these provisions and turn the same over to the state treasurer; provided, that the Department of Public Welfare shall furnish to school officials or the parents of children before their first entrance in any public school, free of charge, certificates showing the age of such children.

Section 38-223. PENALTIES FOR VIOLATIONS.--If any physician who was in medical attendance upon any deceased person at the time of death shall neglect or refuse to make out and deliver to the undertaker, sexton, or other person in charge of the interment, removal, or other disposition of the body, upon request, the medical certificate of the cause of death, hereinbefore provided for, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars nor more than fifty dollars; and if any physician shall knowingly make a false certification of the cause of death, in any case, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars nor more than \$300.00; and any physician or midwife in attendance upon a case of confinement, or any other person charged with responsibility for reporting births, in the order named in section 38-214, who shall neglect or refuse to file a proper certificate of birth with the local registrar, within the time required by this chapter, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars nor more than \$300.00.

And if any undertaker, sexton, or other person acting as undertaker, shall inter, remove, or otherwise dispose of the body of any deceased person, without having received a burial or removal permit as herein provided, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than \$300.00.

And any registrar, deputy registrar, or sub-registrar who shall neglect or fail to enforce the provisions of this chapter in his district, or shall neglect or refuse to perform any of the duties imposed upon him by this chapter or by the instructions and directions of the Department of Public Welfare, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than \$300.00.

And any person who shall wilfully alter any certificate of birth or death, ^{or} the copy of any certificate of birth or death on file in the office the local registrar, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100.00 nor more than \$300.00, or be imprisoned in the county jail not exceeding ninety days, or suffer both fine and imprisonment, in the discretion of the court.

Any other person or persons who shall violate any of the provisions of this chapter, or who shall wilfully neglect or refuse to perform any duties imposed upon them by the provisions of this chapter, or shall furnish false information to a physician, undertaker, midwife, or informant, for the purpose of making incorrect certification of births or deaths, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars nor more than \$200.00.

And any transportation company or common carrier, transporting or carrying, or accepting through its agents or employees for transportation or carriage, the body of any deceased person, without an accompanying permit issued in accordance with the provisions of this chapter, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars nor more than \$200.00: provided, that in case the death occurred outside of the state and the body is accompanied by a certificate of death, burial or removal, or transit permit issued in accordance with the law or board of health regulations in force where the death occurred, and approved by the Department of Public Welfare, such death certificate, burial or removal or transit permit may be held to authorize the transportation or carriage of the body into or through the state.

Section 38-224. ENFORCEMENT OF CHAPTER.--Local registrars are hereby charged with the strict and thorough enforcement of the provisions of this chapter in their several districts, under the supervision and direction of the Department of Public Welfare; and they shall make an immediate report to the department of any violation of this law coming to their notice by observation or upon complaint of any person, or otherwise. The Department of Public Welfare is hereby charged with the thorough and efficient execution of the provisions of this chapter in every part of the state, and with supervisory power over local registrars, to the end that all of its requirements shall be uniformly complied with. The Commissioner of Public Welfare shall have authority to investigate cases of irregularity or violation of law, personally or by accredited representation, and all registrars shall aid him, upon request, in such investigations. When he shall deem it necessary, he shall report cases of violation of any of the provisions of this chapter to the prosecuting attorney of the county, with a statement of the facts and circumstances, and when any such case is reported to him by the Commissioner of Public Welfare, the prosecuting attorney shall forthwith initiate and promptly follow up the necessary court proceedings against the parties responsible for the alleged violations of law; and upon request of the Department of Public Welfare, the attorney general shall likewise assist in the enforcement of the provisions of this chapter.

Section 38-225. REGISTRATION SYSTEM HEREIN PROVIDED EXCLUSIVE.--No system for the registration of births and deaths shall be maintained in any of the several municipalities of this state other than the one provided for and established by this chapter.

Section 38-226. REPORTS TO DEPARTMENT OF PUBLIC WELFARE.--In order to afford the Department of Public Welfare better advantages for obtaining knowledge important to be incorporated with that collected through special investigations and from other sources, it shall be the duty of all officers of the state, the physicians of all mining or other incorporated companies, the superintendent or other person in charge of any public, private or parochial hospital, and the president or agent of any company chartered, organized or transacting business under the laws of this state, so far as practicable, to furnish to the Department of Public Welfare any information bearing upon the public health which may be requested by said department, for the purpose of enabling it better to perform the duties of collecting and distributing useful knowledge on this subject.

Section 38-227. MARRIAGE REGISTERS--PERSONS OFFICIATING TO KEEP.--All persons who perform the marriage ceremony must keep register of the time and place of each marriage so celebrated, the residence, the names in full, the place of birth, the age of each party, and whether either party has ever before been married, and if so, whether divorced.

Section 38-228. MARRIAGE REGISTERS--FILING.--All persons registering marriages must quarterly file with the county recorder a certified copy of their register.

Section 38-229. COUNTY RECORDER--DUTY TO KEEP REGISTER OF MARRIAGES.--The county recorder must provide and keep a register to be known as the register of marriages in which marriages certified to him must be entered and numbered in the order in which they are reported to him, and must be properly indexed. There must be stated in each register, in separate columns properly headed, the various facts contained in the certificates and the name and official or clerical position of the person making the report. The recorder must carefully examine each report and register the same marriage but once, although it may be reported by different persons.

Section 38-230. COUNTY RECORDER--DUTY TO REPORT TO DEPARTMENT OF PUBLIC WELFARE.--The county recorder must, every three months, and within thirty days after the end of the quarter, transmit to the Department of Public Welfare, at Boise, Idaho, certified abstract of the register of marriages, prepared in the manner prescribed in the instructions of the department, and upon blanks furnished by it for that purpose.

Section 38-231. FEES FOR MARRIAGE RECORDS.--The county recorders shall perform the duties required of them by this chapter without compensation, other than their salary; provided, that for a certified copy of the record of marriage, they shall receive a fee of one dollar to be paid by the person to whom such copy is furnished, and reported by them as in the case of other fees.

Section 38-232. FAILURE TO PERFORM DUTIES--PUNISHMENT.--Any person on whom a duty is imposed by the five preceding sections, who fails, neglects or refuses to perform the same as herein required, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not exceeding fifty dollars, or be imprisoned in the county jail not exceeding ninety days, or be punished by both such fine and imprisonment.

CHAPTER 139. Relating to Vital Statistics and the records and duties of the Bureau of Vital Statistics in the Department of Public Welfare: Providing the procedure and records to be kept in the case of illegitimate children becoming legitimate, and adopted children: Providing for the correction of defective and incorrect certificates: and Providing for establishment of record of birth in cases where births have not been recorded.

Be it Enacted by the Legislature of the State of Idaho:

Section 1. Whenever a decree of adoption has been entered declaring a child legally adopted in any court in the State of Idaho, a certified copy of the decree shall be recorded by the clerk of the court with the Bureau of Vital Statistics in the Department of Public Welfare upon a form provided for that purpose. This shall be filed with the original record of birth, or a certified or photostatic copy thereof from the State of Idaho or any other jurisdiction, which shall remain as a part of the records of the State Bureau of Vital Statistics. Upon receipt by the Bureau of Vital Statistics in the Department of Public Welfare of such certificate of the decree of adoption, a certificate of birth shall be issued bearing the name of the child as shown in the decree of adoption, the names of the foster parents of said child, the age of the foster parents, the sex, date of birth, and place of birth, but no reference in any birth certificate shall have reference to the adoption of said child. Such birth certificate shall supplant any birth certificate previously issued for said child and shall be the only birth certificate open to public inspection. In respect to form and nature of contents, it shall be identical with a birth certificate issued to natural parents for the birth of a child. All records and information specified in this section, other than the birth certificate to be issued hereunder, and all records, files and information of any court in this State relating to adoption proceedings, shall not be open to inspection except upon the order of a court of record of this State,

Section 2. Whenever a child becomes legitimate by the subsequent marriage of its parents an affidavit of such fact may be filed by such parents with the Bureau of Vital Statistics in the Department of Public Welfare upon a form provided for that purpose. This shall be filed with the original record of birth which shall remain as a part of the records of the State Bureau of Vital Statistics. Upon receipt by the Bureau of Vital Statistics in the Department of Public Welfare of such affidavit, a certificate of birth shall be filed bearing the name of the child as shown in the affidavit, the names of the parents of such child, the age of the parents, sex, date of birth and place of birth. Such birth certificate shall supplant any birth certificate previously issued for said child and shall be the only birth certificate open to public inspection. In respect to form and nature of contents, it shall be identical with a birth certificate issued to parents for the birth of a legitimate child. All records and information specified in this section, other than the birth certificate to be issued hereunder, shall be available upon the order of a court of record.

Section 3. Whenever it may be alleged that the facts are not correctly stated in any certificate of birth, death, or marriage, already registered, the local registrar shall require an affidavit under oath to be made by the person asserting the fact, setting forth the changes necessary to make the record correct, and supported by the affidavit of one other credible person having knowledge of the facts. Having received such affidavits, the local registrar shall file them together with an amended certificate and he shall note the fact of the amendment with its date on the margin of the otherwise unaltered original certificate. He shall transmit the original certificate with the affidavits and amended certificate attached when making his regular

monthly returns to the Bureau of Vital Statistics. He shall also retain copies for his files. If the correction relates to a certificate previously returned to the Bureau of Vital Statistics, the local registrar shall forthwith transmit the affidavits to the Bureau of Vital Statistics. If the correction is first made in the State Bureau of Vital Statistics, the Bureau of Vital Statistics shall transmit a certified copy of the amended certificate to the local registrar.

Section 4. Where the birth of a child born prior to the effective date of Chapter 191, 1911 Session Laws, has not been recorded, or in case of failure to report any birth which has occurred subsequent to such date, such report may be received and filed by the local registrar for record in the Bureau of Vital Statistics for the purposes and uses prescribed in Chapter 2, Title 38, Idaho Code Annotated, when such report is accompanied by a certificate of the attending physician or midwife, or by affidavits of the father or mother of the child or if neither father or mother of the child is living or accessible, of the nearest of kin or guardian, or some person having direct knowledge in the premises.

RULES AND REGULATIONS

1.

HEALTH CERTIFICATES

In all cases where a health certificate is required by law a person who shows a positive Wasserman reaction shall not be permitted to continue his occupation unless his attending physician certifies that his disease is not in an infectious state, and that there is entire absence of visible lesions of his disease. Until cured he shall continue under active treatment by some physician licensed in this State, and shall be required to report to his physician for observation twice each month, and said physician shall report monthly to the public health department as to the progress of the case.

2.

SLAUGHTER HOUSES AND MEAT MARKETS

Every person, firm or corporation, owning, operating or maintaining a slaughter house or meat market, shall see to it that running hot and cold water are provided at all times for the purpose of washing utensils, hands, meats, etc., conveniently located within the building.

3.

BACTERICIDAL TREATMENT OF DRINKING, EATING AND COOKING UTENSILS

Drinking, eating and cooking utensils used in serving food and beverages shall be disinfected as follows:

They must be submerged in water at a temperature of not less than 170° F., for at least two minutes, or be submerged in boiling water for at least thirty seconds. Pouring boiling water over utensils cannot be considered as compliance with this regulation.

In lieu of the foregoing regulation utensils may be submerged in a luke-warm solution containing not less than 50 parts per million of available chlorine for at least two minutes. This solution should be made up at a strength of 100 parts per million or more of available chlorine and must not be used after the strength has been reduced to 50 parts per million.

Or, any other method approved by the Idaho Department of Public Health may be used.

TOURIST CAMPS

THE FOLLOWING REGULATIONS SHALL APPLY TO ANY CITY, COUNTY, VILLAGE, COMMUNITY, INSTITUTION, PERSON, FIRM OR CORPORATION OPERATING, MAINTAINING OR OFFERING FOR PUBLIC USE WITHIN THE STATE OF IDAHO; ANY TRACT OF LAND WHERE LIVING QUARTERS OR FACILITIES OR ACCOMMODATIONS FOR PERMANENT OR TEMPORARY DWELLING ARE PROVIDED FOR PUBLIC USE, EITHER FREE OF CHARGE OR FOR COMPENSATION:

SUPERVISION

The management of every public camp shall assume responsibility for maintaining in good repair all sanitation equipment and structures on said ground. Every tourist or recreation camp shall be provided with an adequate supply of water of good sanitary quality from a source which will meet the requirements of the Idaho Department of Public Health as to sanitary location, construction and operation. The water supply may be used from a municipal system provided such a system has been installed and is operated in such a manner as to meet with the requirements of this department. If a supply from an approved municipal source is not available, a supply shall be obtained from a well or spring or other source which must be located, improved, constructed, and operated in accordance with the requirements of this department for a safe water supply. In no case can dipping from springs or wells be permitted.

SEWAGE AND REFUSE DISPOSAL

The method of final sewage or refuse disposal utilized in connection with the operation of any camp or recreation ground shall be such as to create no nuisance. Fly-tight privies or water flush toilets shall be provided and maintained in a clean and sanitary condition; separate toilets for men and women shall be provided.

GARBAGE DISPOSAL

Suitable containers with covers shall be provided at convenient points for the disposal of garbage and refuse. The contents of the containers shall be removed daily and the material disposed of in a suitable manner so as not to create a nuisance or provide a breeding place for flies.

CONSTRUCTION AND MAINTENANCE OF BUILDINGS

If cottages, cabins, tent houses, dwelling houses or other structures to be used for human habitation are erected in any public camping ground, the following minimum requirements in the construction shall be observed:

All floors shall be raised at least 18 inches above the ground.

All floors shall be so constructed as to be easily kept clean. If private toilet is provided it must be water flushed and connected to a sewage system or septic tank. Room containing such toilet must have window opening to the outside air, and its floor must be constructed of impervious material.

Note.--In addition to observing these requirements, all local building ordinances must be complied with.

REGULATIONS OF THE STATE OF IDAHO, DEPARTMENT OF PUBLIC HEALTH,
RELATING TO SANITARY REQUIREMENTS FOR RESTAURANTS

All restaurants shall comply with all of the following regulations of sanitation:

REGULATION NO. 1. Floors.--The floors of all rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be of such construction as to be easily cleaned, shall be smooth, and shall be kept clean and in good repair.

REGULATION NO. 2. Walls and ceilings.--Walls and ceilings of all rooms shall be kept clean and in good repair. All walls and ceilings of rooms in which food or drink is stored or prepared shall be finished in light color. The walls of all rooms in which food or drink is prepared or utensils are washed shall have a smooth, washable surface up to the level reached by splash or spray.

REGULATION NO. 3. Doors and windows.--When flies are prevalent, all openings into the outer air shall be effectively screened and doors shall be self-closing, unless other effective means are provided to prevent the entrance of flies.

REGULATION NO. 4. Lighting.--All rooms in which food or drink is stored or prepared or in which utensils are washed shall be well lighted.

REGULATION NO. 5. Ventilation.--All rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be well ventilated.

REGULATION NO. 6. Toilet facilities.--Every restaurant shall be provided with adequate and conveniently located toilet facilities for its employees. In restaurants hereafter constructed toilet rooms shall not open directly into any room in which food, drink, or utensils are handled or stored. The doors of all toilet rooms shall be self-closing except where they open outside the building. Toilet rooms shall be kept in a clean condition, in good repair, and well lighted and ventilated. Hand-washing signs shall be posted in each toilet room used by employees. In case privies or earth closets are permitted and used, they shall be separate from the restaurant building, and shall be of a sanitary type constructed and operated in conformity with the standards of the Idaho Department of Public Health.

REGULATION NO. 7. Water supply.--Running water under pressure shall be easily accessible to all rooms in which food is prepared or utensils are washed, and the water supply shall be adequate, and of a safe, sanitary quality.

REGULATION NO. 8. Lavatory facilities.--Adequate and convenient hand-washing facilities shall be provided, including hot and cold running water, soap, and approved sanitary towels. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without first washing his hands,

REGULATION NO. 9. Construction of utensils and equipment.--

All multi-use utensils and all show and display cases or windows, counters, shelves, tables, refrigerating equipment, sinks, and other equipment or utensils used in connection with the operation of a restaurant shall be so constructed as to be easily cleaned and shall be kept in good repair. Utensils containing or plated with cadmium or lead shall not be used: Provided, That solder containing lead may be used for jointing.

REGULATION NO. 10. Cleaning and bactericidal treatment of utensils and equipment.--All equipment, including display cases or windows, counters, shelves, tables, refrigerators, stoves, hoods, and sinks, shall be kept clean and free from dust, dirt, insects, and other contaminating material. All cloths used by waiters, chefs, and other employees shall be clean. Single-service containers shall be used only once.

All multi-use eating and drinking utensils shall be thoroughly cleaned and effectively subjected to an approved bactericidal process after each usage. All multi-use utensils used in the preparation or serving of food and drink shall be thoroughly cleaned and effectively subjected to an approved bactericidal process immediately following the day's operation. Drying cloths, if used, shall be clean and shall be used for no other purpose.

No article, polish, or other substance containing any cyanide preparation or other poisonous material shall be used for the cleansing or polishing of utensils.

REGULATION NO. 11. Storage and handling of utensils and equipment.--After bactericidal treatment, utensils shall be stored in a clean, dry place protected from flies, dust, and other contamination, and shall be handled in such a manner as to prevent contamination as far as practicable. Single-service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a sanitary manner.

REGULATION NO. 12. Disposal of wastes.--All wastes shall be properly disposed of, and all garbage and trash shall be kept in suitable receptacles, in such manner as not to become a nuisance.

REGULATION NO. 13. Refrigeration.--All readily perishable food and drink shall be properly refrigerated except when being prepared or served. Proper refrigeration is deemed by the department to mean "kept at a temperature of 50° F. or below." Waste water from refrigeration equipment shall be properly disposed of.

REGULATION NO. 14. Wholesomeness of food and drink.--All food and drink shall be clean, wholesome, free from spoilage, and so prepared as to be safe for human consumption. All milk, fluid milk products, ice cream, and other frozen desserts served shall be from approved sources. Sweet milk and fluid milk products shall be served in the individual original containers in which they were received from the distributor: Provided, That this requirement shall not apply to cream, which may be served from the original bottle or from a dispenser approved for such service.

REGULATION NO. 15. Storage, display, and serving of food and drink.--All food and drink shall be so stored, displayed, and served as to be protected from dust, flies, vermin, depredation and pollution by rodents, unnecessary handling, droplet infection, overhead leakage, and other contamination. No animals or fowls shall be kept or allowed in any room in which food or drink is prepared or stored. All means necessary for the elimination of flies, roaches, and rodents shall be used.

REGULATION NO. 16. Cleanliness of employees.--All employees shall wear clean outer garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils, or equipment. Employees shall not expectorate or use tobacco in any form in rooms in which food is prepared.

REGULATION NO. 17. Miscellaneous.--The premises of all restaurants shall be kept clean and free of litter or rubbish. None of the operations connected with a restaurant shall be conducted in any room used as living or sleeping quarters. Adequate lockers or dressing rooms shall be provided for employees' clothing and shall be kept clean. Soiled linens, coats, and aprons shall be kept in containers provided for this purpose.

Adopted, entered in the minutes of the department, and ordered transmitted by copy to all county and municipal health officers, and to be made publicly available, this sixth day of January, 1944.

DEPARTMENT OF PUBLIC HEALTH OF THE
STATE OF IDAHO

By /s/ C. A. Bottolfsen
Governor and Ex-officio Commissioner
of Public Health

REGULATIONS OF THE STATE OF IDAHO, DEPARTMENT OF PUBLIC HEALTH,
RELATING TO SYPHILIS, CHANCROID, GONORRHEA,
LYMPHOPATHIA VENEREUM (VENERIA) AND GRANULOMA INGUINALE

THE DEPARTMENT OF PUBLIC HEALTH OF THE STATE OF IDAHO, pursuant to Law, acting by and through C. A. Bottolfsen, Governor of Idaho and ex-officio Commissioner of Public Health, by these presents adopts, establishes and promulgates the following regulations, relating to syphilis, chancreoid, gonorrhea, lymphopathia venereum (venerea) and granuloma inguinale, and orders the same to become effective, as provided in Section 38-505 Idaho Code Annotated, thirty days from the date of this instrument:

REGULATION NO. 1

Under authority of Sections 38-503 and 38-505 Idaho Code Annotated, syphilis, chancreoid, gonorrhea, lymphopathia venereum (venerea) and granuloma inguinale are hereby declared contagious, infectious and dangerous to the public health; and all county boards of health are required to include the same and quarantine persons afflicted with the same in the same manner, and subject to the same limitations as provided in the case of the diseases enumerated in Section 38-308 Idaho Code Annotated, as amended by Section 1, Chapter 34, 1975 Session Laws.

REGULATION NO. 2

Under authority of Sections 38-507 and 38-505 every physician and other person attending any person who is suffering from syphilis, chancreoid, gonorrhea, lymphopathia venereum (venerea) or granuloma inguinale shall report the same and the sexual contacts of such case within twenty-four hours to the director of public health or to such local full-time county health officer as may be designated by the director of public health, setting forth in such report the name of the case and such other information as is called for in the report.

REGULATION NO. 3

Houses of prostitution are declared injurious to health, indecent, offensive to the senses and public nuisances; under authority of Sections 38-303, 17-2701, Title 51, Chapter 4, all local boards of health are hereby required to forthwith, upon being informed of the existence of any such house of prostitution, report the same to the prosecuting attorney of the county in which the same is located, and to the department of public health; and the local board of health is further required to demand of the prosecuting attorney that such nuisance be abated as provided by law. Local boards of health are further required to report the failure of any prosecuting attorney to institute abatement proceedings within thirty days after such demand; which report shall be made to the department of public health in writing not later than the thirty-fifth day after such demand for abatement is delivered to the prosecuting attorney.*

*Note: Section 17-2702 I. C. A. provides: "Every person who wilfully omits to perform any legal duty relating to the removal of a public nuisance is guilty of a misdemeanor."

REGULATION NO. 4

Pursuant to the provisions of Section 38-306 I.C.A., any health officer who shall refuse or neglect to obey or enforce the rules, regulations or orders of the department of public health or who shall fail to make prompt and accurate reports to the department as required in such rules or regulations, in relation to syphilis, chancroid, gonorrhea, lymphopathia venereum or granuloma inguinale shall be removed from office by order of the department and shall not be reappointed.

REGULATION NO. 5

Under the provisions of Section 38-308 I. C. A. as amended, syphilis, chancroid, gonorrhea, lymphopathia venereum (veneria) and granuloma inguinale are declared dangerous, contagious, and infectious and every physician attending a person affected with any of the aforementioned diseases shall use such precautionary measures to prevent the spread of the disease by requiring such person to submit to proper treatment until cured, as are authorized in Section 38-503 I. C. A.

REGULATION NO. 6

Under the provisions of Section 38-502 I. C. A. the attached case report card for reporting venereal disease is provided and established hereby by the department, which report shall be forwarded as provided in Regulation No. 2.

REGULATION NO. 7

Physicians, health officers and all other persons are prohibited from issuing certificates of freedom from venereal diseases, except in giving such ordinary certificates of freedom from infection as may be necessary in reports of general examinations, and in certifying for the issuance of marriage licenses.

Issuance of certificates of freedom from any or all venereal diseases to any person engaged in prostitution is declared immoral, unprofessional and dishonorable. Every local board of health is required to forthwith inform the department of public health whenever any case of issuance of such a certificate within its jurisdiction shall come to its attention. All such reports received by the department will be referred to the department of law enforcement for prosecution.

REGULATION NO. 8

The following form of order to report for examination is hereby adopted, and the same shall be used by all local boards of health in this State, and be served upon every person known or reasonably suspected of being infected with venereal disease:

DEPARTMENT OF PUBLIC HEALTH OF THE STATE OF IDAHO

(Name of Local Health Board)

_____, Idaho
(Place)

_____.
(Date)

ORDER TO REPORT FOR EXAMINATION FOR COMMUNICABLE DISEASE

TO _____, Address: _____:

Under authority of the statutes _____ such cases made and provided, and the regulations of the Department of Public Health of the State of Idaho, made in the interest of preservation of public health, and suppression of communicable disease, you are hereby ordered to report for examination for a contagious and infectious disease to which you may unknowingly have been exposed, at

_____, on the _____ day
(Name and address of place of examination)
of _____, 194____, at the hour of _____ o'clock, _____ M.

You and the members of your household are further ordered to strictly follow all instructions and appointments given you by the health officers and physicians upon such examination and diagnosis.

Any failure or neglect to conform with this order will be prosecuted according to law.

You are instructed to bring this notice with you at the time and place fixed for examination as above stated.

(Signature of health officer)

(Designation of Official)

REGULATION NO. 9

Order to report for examination shall be executed in duplicate, shall be personally served by delivering one of the duplicates to the person to be examined, and filing the other, bearing the notation of time and place of service and the signature of the person serving the notice, with the issuing health authority.

REGULATION NO. 10.

The following order to report for treatment is adopted as a form for use by all local boards of health:

DEPARTMENT OF PUBLIC HEALTH OF THE STATE OF IDAHO

(Name of local board of health)

ORDER TO REPORT FOR TREATMENT

To _____, Address: _____:

It appearing that upon examination made, you are in need of treatment for _____, and that the public welfare and safety require that you be treated for the same until cured by a reputable physician of your own choice, or submit to treatment at the public expense until cured.

You are ordered to report to your physician for such treatment, and file with the undersigned health authority the duplicate of this notice, bearing the acknowledgement of the said physician that you have reported for treatment, within three days from the date of service of this notice upon you; and

Unless you have so reported, you are hereby ordered to report _____ at _____

(Name of physician)

(Address)

in _____, Idaho, and continuing reporting as may be directed by
(Town)
him, until you are discharged by him as cured.

Quarantine and appropriate prosecution will follow failure to comply with this order in any material respect.

Dated _____, 194__.

(Name of health officer)

(Title)

REGULATION NO. 11

Orders to report for treatment shall be executed in triplicate; two of the signed orders shall be delivered to the person to be treated, in person, and left with him or her. Upon one of the papers shall be endorsed the following words:

"I certify that the person required by the foregoing order to report for treatment has reported as therein ordered, and that treatment has been undertaken.

Dated _____, 194__.

(Signature of physician)

(Address)

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REGULATION NO. 12

The following form of complaint is suggested for use in cases where violations of quarantine regulations appear. Complaints should be filed under Section 38-507*. Except where a different form is prescribed by the Prosecuting Attorney, and in all cases in which complaint is filed without assistance of the Prosecuting Attorney the following form of complaint, filled in with appropriate data, shall be used:

IN THE JUSTICE'S COURT

For _____ Precinct, _____ County, Idaho
Before _____, Justice of the Peace

THE STATE OF IDAHO,

Plaintiff)

vs.)

COMPLAINT--Criminal

Defendant)

PERSONALLY APPEARED before me this _____ day of _____, 19____,
of _____ in the County of _____
who, being first duly sworn, complains and says:

That _____ of _____
on or about the _____ day of _____, 19____, at _____
in the County of _____ and State of Idaho,
committed a misdemeanor to wit: A violation of regulation No. _____, published
and adopted on the _____ day of _____, 19____, by the Department of Public
Health of the State of Idaho, which regulation is in the following words and
figures.

(Insert the text of the regulation)

and which violation was committed as follows to wit: _____

(Set forth in detail the facts constituting the violation)

All of which is contrary to the form of the Statute in such case made and
provided, and against the peace and dignity of the State of Idaho

Said complainant therefore prays that a Warrent may be issued for the arrest
of said _____ and that he may be dealt according
to law.

Subscribed and sworn to before me this _____ day of _____, 19____.

JUSTICE OF THE PEACE

*Section 38-507 is set forth as follows:

"PENALTIES FOR VIOLATIONS.--Any person who shall violate any of the provisions
of this chapter or any lawful rule or regulation made by the state department
of public health, pursuant to the authority herein granted, or who shall shall
or refuse to obey any lawful order issued by any state, county or municipal
health officer, pursuant to the authority granted in this chapter, shall be
deemed guilty of a misdemeanor, and shall be punished, on conviction thereof,
by a fine of not more than five hundred dollars or by imprisonment in the
county jail for not more than six months; or by both such fine and imprisonment."

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REGULATION NO. 13

In all cases in which no other form is prescribed by the prosecuting Attorney or the Justice of the Peace or the Probate Judge issuing the warrant, the following form of warrant of arrest is suggested:

IN THE JUSTICE'S COURT

For _____ Precinct, _____ County, Idaho
Before _____, Justice of the Peace

THE STATE OF IDAHO,)
Plaintiff)
vs.)
_____)
_____)
_____)
Defendant)

THE PEOPLE OF THE STATE OF IDAHO

To any Sheriff, Constable, Marshal or Policeman of the Said State or of Our Said County, GREETINGS.

A COMPLAINT, Upon oath, having been this day laid before me by _____ Charging that the crime of violation of Department of Public Health Regulation No. _____, which regulation is in words and figures as follows to wit:

(Insert the text of the regulation)

has been committed, and accusing _____ thereof.
YOU ARE THEREFORE COMMANDED, by these present, to forthwith arrest the above names _____ and bring him before me at my office in _____ in the County of _____, State of Idaho, or in case of my absence or inability to act, before the nearest and most accessible Magistrate in this County.

Dated this _____ day of _____, 19 ____.

JUSTICE OF THE PEACE

REGULATION NO. 14

The following form for order for isolation is adopted, and shall be used by all local boards of health:

DEPARTMENT OF PUBLIC HEALTH OF THE STATE OF IDAHO

(Name of local board of health)

IN THE MATTER OF)

ORDER OF ISOLATION

(Name of patient)

It appearing that _____, or is
(Name of patient)

Reasonably suspected of being, infected with _____ in a communicable
(Disease)

stage, it is hereby ordered that the said person shall be isolated in the place designated by the undersigned health officer, until said person shall be found noninfectious; and the premises described as follows:

Are designated as the limits of the area of isolation.

Violation of this order is a breach of quarantine and will be appropriately prosecuted.

DATED _____ 194__.

(Name of Officer)

(Title)

REGULATION NO. 15

Orders for isolation shall be executed in triplicate; one shall be delivered in person to the patient, one to the attending physician, if any other than the public physician acting for the board of health, and one to be filed in the office of the issuing authority.

Adopted, entered in the minutes of the department, and ordered transmitted by copy to all county and municipal health officers, and to be made publicly available, this fifteenth day of September, 1943.

DEPARTMENT OF PUBLIC HEALTH OF THE
STATE OF IDAHO

By /s/ C. A. Bottolfsen
Governor and Ex-officio Commissioner
of Public Health

IDAHO
OCCUPATIONAL DISEASE COMPENSATION LAW

Section 43-2101. SHORT TITLE.--This chapter may be cited as the "Occupational Disease Compensation law."

Right to Compensation for Disablement From Occupational Disease

Section 43-2102. RIGHT TO COMPENSATION--APPLICABILITY OF WORKMEN'S COMPENSATION LAW.--Where an employee or an employer subject to this chapter suffers from an occupational disease, as defined in Section 43-2104, and is thereby disabled from performing his work in the last occupation in which he was injuriously exposed to the hazards of such disease, or dies as a result of such disease, and the disease was due to the nature of an occupation or process in which he was employed within the period previous to his disablement limited in this chapter, the employee, or in case of his death, his dependents, shall be entitled to compensation, as provided in the workmen's compensation law, as if such disablement or death were an injury by accident, except as otherwise provided in this chapter; and the practice and procedure prescribed in the workmen's compensation law shall apply to proceedings for compensation for such diseases, except as in this chapter otherwise provided.

Section 43-2103. SECURITY FOR COMPENSATION--COMPENSATION REMEDY EXCLUSIVE.--Every employer of workmen subject to the workmen's compensation law shall be subject to the provisions of this chapter and shall secure the payment of compensation in accordance with the provisions of this chapter by any method prescribed by the workmen's compensation law at the time in effect in this state. Where the foregoing requirement is complied with the liability of the employer under this act shall be exclusive. The rights and remedies granted by the workmen's compensation law to an employee on account of personal injury caused by accident, or, on account of the disability caused by an occupational disease named and contracted, as provided herein, for which injury, or disability he is entitled to compensation under this chapter, shall exclude all other rights and remedies of such employee, his personal representatives, dependents, or next of kin at common law, or otherwise, against the employer, on account of any injury or disability incurred in the course of or because of his employment.

Section 43-2104. OCCUPATIONAL DISEASES DEFINED.--Compensation as provided in this chapter shall be payable for disability or death of an employee resulting from the following occupational diseases:

(1) Poisoning by lead, mercury, arsenic, zinc, or manganese, their preparations or compounds in any occupation involving direct contact therewith, handling thereof, or exposure thereto.

(2) Carbon monoxide poisoning in any process or occupation involving direct exposure to carbon monoxide in buildings, sheds, or enclosed places.

(3) Poisoning by methanol, carbon bisulphide, hydrocarbon distillates (Naphthas and others) or halogenated hydrocarbons, or any preparations containing these chemicals or any of them, in any occupation involving direct contact therewith, handling thereof, or exposure thereto.

(4) Poisoning by benzol or by nitro, amido, or amino-derivatives of benzol (dinitro-benzol, anilin and others) or their preparations or compounds in any occupation involving direct contact therewith, handling thereof, or exposure thereto.

(5) Glanders in the care or handling of any equine animal or the carcass of any such animal.

(6) Radium poisoning by or disability due to radioactive properties of substances or to Roentgen-ray (X-ray) in any occupation involving direct contact therewith, handling thereof, or exposure thereto.

(7) Poisoning by or ulceration from chromic acid or bichromate of ammonium, potassium, or sodium or their preparations in any occupation involving direct contact therewith, handling thereof, or exposure thereto.

(8) Ulceration due to tar, pitch, bitumen, mineral oil, or paraffin, or any compound product, or residue of any of these substances, in any occupation involving direct contact therewith, handling thereof, or exposure thereto.

(9) Dermatitis venenata, that, infection or inflammation of the skin, furunculosis excepted, due to oils, cutting compounds, lubricants, liquids, fumes, gases, or vapors, in any occupation involving direct contact therewith, handling thereof, or exposure thereto.

(10) Anthrax occurring in any occupation involving the handling of, or exposure to wool, hair, bristles, hides or skins, or bodies of animals either alive or dead.

(11) Silicosis in any occupation involving direct contact with, handling of, exposure to dust of silicon dioxide. (SiO_2).

No diseases or aggravation thereof, except those in this section defined, shall be deemed occupational diseases and compensable as such, and one of the enumerated diseases herein shall be compensable unless contracted in the occupations herein enumerated.

The terms "contracted" and "incurred", as used in this chapter when referring to an occupational disease, shall be deemed the equivalent of the term "arising out of and in the course of," as used in the workmen's compensation act.

Section 43-2105. DEFINITION OF DISABILITY.--Except as hereinafter otherwise provided in this chapter, "disablament" means the event of an employee's becoming actually and totally incapacitated, because of an occupational disease, from performing his work in the last occupation, in which injuriously exposed to the hazards of such disease; and "disability" means the state of being so incapacitated.

Section 43-2106. LAW NOT RETROACTIVE.--The provisions of this chapter shall apply only to cases of occupational disease in which the last injurious exposure in an occupation subject to the hazards of such disease occurred on or after the date on which this chapter shall have taken effect.

Section 43-2107. LAST EMPLOYER LIABLE--AMOUNT OF COMPENSATION.--Where compensation is payable for an occupational disease the employer in whose employment the employee was last injuriously exposed to the hazards of such disease shall be liable therefor; the amount of the compensation shall be based upon the average weekly wages (as defined in the workmen's compensation law) of the employee when last so exposed under such employer; and the notice of disability and claim for compensation shall be given and made to such employer; provided, however that the maximum compensation to be allowed for disability, or death, or both, on account of any occupational disease, other than silicosis, shall be \$5,000.00 until a transitory period of six years from date when this chapter becomes effective shall have expired, and thereafter the total aggregate of such compensation and benefits shall be as provided in the workmen's compensation law; provided further that in case of silicosis the only employer liable shall be the last employer in whose employment the employee was last injuriously exposed to the hazards of the disease during a period of sixty days or more after the effective date of this chapter.

Section 43-2108. AGGRAVATION--PROPORTIONAL COMPENSATION.--Where an occupational disease is aggravated by any other disease or infirmity, not itself compensable, or where disability or death from any other cause, not itself compensable, is aggravated, prolonged, accelerated, or in any wise contributed to by an occupational disease, the compensation payable shall be reduced and limited to such proportion only of the compensation that would be payable if the occupational disease, were the sole cause of the disability or death as such occupational disease, as a causative factor, bears to all the causes of such disability or death, such reduction in compensation to be effected by reducing the number of weekly or monthly payments or the amount of such payments, as under the circumstances of the particular case may be for the best interest of all the parties.

Section 43-2109. LIMITATIONS.--An employer shall not be liable for any compensation for an occupational disease unless such disease shall be due to the nature of an employment in which the hazards of such disease actually exist, are characteristic of, and peculiar to the trade, occupation, process, or employment, and is actually incurred in his employment and unless disablement or death results within two years in case of silicosis, or one year in case of any other occupational disease, after the last injurious exposure to such disease in such employment, or, in case of death, unless death follows continuous disability from such disease, commencing within the period above limited for which compensation has been paid or awarded or claim made as provided in this chapter, and results within two years after such last exposure.

An employer shall be liable for any compensation for a non-acute occupational disease unless such claimant was exposed to the hazard of such disease for a period of sixty days for the same employer.

Section 43-2110. MEDICAL TREATMENT.--In the event of disability from an occupational disease, the employer shall provide reasonable medical and other treatment for such time as in the judgment of the board will tend to lessen the period of disability or provide needed relief; provided, however, medical and other treatment shall be limited in the case of a workman disabled by an occupational disease to a period of ninety days from the date of such disablement, but the requirement for such treatment may be extended for an additional period not to exceed ninety days upon the order of the board.

Section 43-2111. DETERMINATION OF DEPENDENCY.--No compensation for death from an occupational disease shall be payable to any person whose relationship to the deceased, which under the provisions of this chapter would give right to compensation, arose subsequent to the beginning of the first compensable disability, save only to after-born children of a marriage existing at the beginning of such disability.

Section 43-2112. NO COMPENSATION IN CASES OF MISREPRESENTATION. No compensation shall be payable for an occupational disease if the employee, at the time of entering into the employment of the employer by whom the compensation would otherwise be payable, falsely represented himself in writing as not having previously been disabled, laid off, or compensated in damages or otherwise because of such disease.

Section 43-2113. RULES FOR PREVENTION.--The industrial accident board may require all employers to adopt rules which have been approved by it for the protection and safety of his employees and to prevent the contraction of occupational diseases, and to keep the same posted in conspicuous places in, and about the premises: and the board may require employers to install, use or adopt such protective or safety appliances as in the board's opinion are necessary for the protection of the employees.

Section 43-2114. WILFUL SELF-EXPOSURE.--A workman or his dependents shall not be entitled to compensation hereunder if he fails to observe such rules and regulations as may be promulgated by or approved by the industrial accident board and posted in the plant by the employer, or to use the protective and safety devices furnished by his employer, as prescribed by the board.

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SPECIAL PROVISIONS RELATING TO PARTICULAR DISEASES

Section 43-2115. DEFINITION OF "SILICOSIS".--Whenever used in this chapter, "silicosis" shall mean the characteristic fibrotic condition of the lungs caused by the inhalation of silicon dioxide (SiO_2) dust.

Section 43-2116. DEFINITION OF DISABILITY IN SILICOSIS CASES.--In case of silicosis "disablement" means the event of the first becoming actually incapacitated, because of such disease, from performing any work in any remunerative employment; and "disability" means the state of being incapacitated.

Section 43-2117. PERIOD OF EXPOSURE IN SILICOSIS CASES.--No claim for disability or death from silicosis shall be maintained or prosecuted

otherwise than under the provisions of this chapter, or come within the provisions of this chapter, unless during the ten years immediately preceding the date of disablement the employee has been exposed to the inhalation of silica dust over a period of not less than five years, the last two years of which shall have been in this state, under a contract of employment existing in this state, however provided, that if the employee shall have been employed by the same employer during the whole of such five-year period, his right to compensation against such employer shall not be affected by the fact that he had been employed during any part of such period outside of this state.

Section 43-2118. NO COMPENSATION FOR PARTIAL DISABILITY FROM SILICOSIS.--Compensation shall not be payable for partial disability due to silicosis.

Section 43-2119. COMPENSATION FOR TOTAL DISABILITY FROM UNCOMPLICATED SILICOSIS.--In the event of total disability or death from uncomplicated silicosis, compensation shall be payable to employees and their dependents as follows: If disablement occurs, or, in the case of no claim for prior disablement, if death occurs in the calendar month in which this chapter becomes effective, the total compensation and death benefits payable shall not exceed the sum of \$500.00. If disablement occurs, or, in the case of no claim for prior disablement, if death occurs during the next calendar month the total compensation and death benefits payable shall not exceed \$550.00. Thereafter the total amount of compensation for death and benefits payable for total disability and death shall increase at the rate of \$50.00 per month; the aggregate payable in each case to be limited according to the foregoing formula for the month in which total disability occurs, or, in case of no claim for prior disability, in which death occurs. Such progressive increase in the limits to the aggregate compensation and benefits for total disability and death shall continue until the limit of \$3,000.00 is reached, which limit shall continue until a transitory period of twelve years from the date when this chapter becomes effective shall have expired, and thereafter the total aggregate of such compensation and benefits shall be as provided in the workmen's compensation law; provided, however, that the compensation payable in any such case shall be limited to a period not to exceed the average life expectancy of a person of the age, and sex of the deceased.

Section 43-2120. COMPENSATION FOR TOTAL DISABILITY FROM COMPLICATED SILICOSIS.--In case of disability or death from silicosis, complicated with tuberculosis of the lungs, compensation shall be payable as for uncomplicated silicosis, provided, however, that the silicosis was an essential factor in causing such disability or death. In case of disability or death from silicosis complicated with any other disease, or from any other disease complicated with silicosis, the compensation shall be reduced as provided in Section 43-2108.

Section 2121. NON-DISABLING SILICOSIS--WAIVER.--Where an employee, though not actually disabled, is found to be affected by silicosis, he may, subject to the approval of the board, be permitted to waive in writing full compensation for any aggravation of his condition that may

result from his continuing in his hazardous occupation. In the event of total disablement or death as a result of the disease with which the employee was so affected, after such a waiver, compensation shall nevertheless be payable as herein elsewhere provided, but in no case, whether for disability or death or both, to exceed \$2,000.00 in the aggregate. A waiver so permitted shall remain effective, for the trade, occupation, process, or employment for which executed notwithstanding a change or changes of employer: Provided, that such waiver shall not inure to the benefit of any employer who fails to comply with the provisions of Section 43-2113. The industrial accident board shall make reasonable rules and regulations relative to the form, execution, filing, or registration, and public inspection of waivers or records thereof.

Section 43-2121a. A workman, seeking employment and having knowledge or being informed that he is affected with a non-disableing silicosis, who nevertheless voluntarily prefers to work in an occupation where his disease may become aggravated, may, with the approval of the board, enter into a contract with his prospective employer, waiving compensation under Section 43-2122, upon the possible subsequent termination of his employment from any of the causes set forth in Section 43-2122, or from any other causes.

Section 43-2121b. Before approving a waiver under Section 43-2121 or Section 43-2121a, the board shall be satisfied that the workman has voluntarily entered into said agreement to waive compensation: that it is of greater advantage to the workman and his dependents, if any, for him to work in an occupation where his disease may become aggravated than to seek other employment, and that the working conditions maintained by the employer are such as to minimize the hazards of silicosis.

Section 43-2122. NON-DISABLING SILICOSIS.--Compensation upon severance from employment.

(1) When an employee working subject to this chapter, who has not previously executed any of the waivers referred to in Sections 43-2121, 43-2121a, and 43-2121b, and who would be entitled to compensation under this law if disabled, is, because he has a non-disableing silicosis, discharged from employment in which is engaged, or when such an employee, after an examination * * * as provided in subsection (2) and a finding by the medical panel that it is inadvisable for * * him to continue in his employment, * * terminates his employment * * the industrial accident board may allow such compensation on account * of such discharge or termination of employment as it may deem just * as support money pending his change of employment, payable as * in this law elsewhere provided, but in no case to exceed * \$750.00 * * *. (Chapter 160, Session Laws, 1941, Effective March 13, 1941)

(2) Upon application of any employer or employee the industrial accident board may direct any employee of such employer or such employee who, in the course of his employment has been exposed to the inhalation of silica dust, to submit to examination by the medical panel to determine whether such employee has silicosis, and the degree

thereof. The cost of such medical examination shall be borne by the person making application. The results of such examination shall be submitted by the medical panel to the industrial accident board which shall submit copies of such reports to the employer and employee, who shall have opportunity to rebut the same, provided, request therefor is made to the board within thirty days from the mailing of such report to the parties. The board shall make its findings as to whether or not it is inadvisable for the employee to continue in his employment.

(3) If an employee shall refuse to submit to such examination after direction by the board, or shall in any way obstruct the same, his right to compensation under this section shall be barred.

Section 3. SAVING CLAUSE.--Awards heretofore made under Section 43-2122, Idaho Code Annotated, as enacted by 1939 Session Laws, Chapter 161, and proceedings now pending thereunder shall not be affected by this amendatory act, and as to such said section is continued in force. (Chapter 160, Session Laws, 1941)

Section 43-2123. RECURRING DERMATITIS.--A person who has suffered disability from dermatitis and has received compensation therefor shall not be entitled to compensation for disability from a later attack of dermatitis due to substantially the same cause, unless, immediately preceding the date of the later disablement, he has been engaged in the occupation to which the recurrence of the disease is ascribed and under the same employer for at least sixty days.

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MEDICAL PANEL

Section 43-2124. MEDICAL PANEL.--A medical panel shall be appointed by the industrial accident board at such compensation as the board shall fix in any case on a claim for compensation for an occupational disease other than silicosis, where a medical question shall be in controversy. It shall consist of three members who shall be licensed physicians in good professional standing, and who shall have had at least five years' practice in the diagnosis, treatment, and care of industrial diseases.

Section 43-2125. SILICOSIS PANEL.--There shall be a silicosis panel consisting of six members who shall be licensed physicians in good professional standing, four of whom shall have had at least five years' practice in the diagnosis, treatment and care of silicosis, and two of whom shall be expert roentgenologists who shall have had at least five years' practice and experience. They shall be appointed by the Governor from a list of eligibles recommended by the board of directors of the Idaho State Medical Society. The term of office of a member of such panel shall be six years, except the members of the first panel, two of whom shall be appointed to serve until the first day of October, 1941; two to serve until the first day of October, 1943, and two to serve until the first day of October, 1945. A vacancy on the panel occurring other than by expiration of term, shall

be filled by appointment for the unexpired term. Members of such panel shall receive such per diem compensation as shall be fixed by the industrial accident board. They shall be entitled to their reasonable and necessary traveling and other expenses incurred while actually engaged in the performance of their duties. In any case involving silicosis, the industrial accident board shall select three members of the silicosis panel to act as the medical panel in such case.

PRACTICE AND PROCEDURE

Section 43-2126. NOTICE OF CONTRACTION OF DISEASE AND CLAIM FOR COMPENSATION.--Unless written notice of the manifestation of an occupational disease shall be given by the workman to the employer within sixty days after the first manifestation thereof, and except in the case of silicosis within five months after the employment has ceased in which it is claimed the disease was contracted, and, in case of death, unless written notice of such death shall be given within ninety days after the occurrence, and, unless claim for disability, or death, shall be made within one year after the disablement, or death, respectively, all rights to compensation for disability, or death, from an occupational disease shall be forever barred.

Such notice and claim may be made by any person claiming to be entitled to compensation or by some one in his behalf.

Where compensation payments have been made and discontinued, and further compensation is claimed for such further compensation shall be made within one year after the last payment.

Section 43-2127. POST MORTEM EXAMINATIONS.--Upon the filing of a claim for compensation for death from an occupational disease where an autopsy is necessary accurately and scientifically to ascertain and determine the cause of death, such autopsy shall be ordered by the industrial accident board or the medical panel. The medical panel may designate a duly licensed physician, who is a specialist in such examinations, to perform or attend such autopsy, and to certify his findings thereon. Such findings shall be filed with the medical panel and shall be a public record. The industrial accident board also may exercise such authority on its own motion or on application made to it at any time by any party in interest, upon the presentation of facts showing that a controversy may exist in regard to the cause of death or the existence of any occupational disease. All proceedings for compensation shall be suspended upon refusal of a claimant or claimants to permit such autopsy when so ordered, and no compensation shall be payable during the continuance of such refusal.

Section 43-2128. MODIFICATION OF AWARD.--An award or denial of award of compensation for an occupational disease may be reviewed and compensation increased, reduced, or terminated where previously awarded, or awarded where previously denied, only upon proof of fraud or of change in conditions, and then only upon application by a party in interest made not later than one year after the denial of award or, where compensation has been awarded, after the award of the date when the last payment was made under the award, except in case of silicosis where such time limit shall be two years.

Section 43-2129. REFERENCE TO MEDICAL PANEL OF CONTROVERTED MEDICAL QUESTIONS.--If on a claim for compensation for an occupational disease any medical question shall be in controversy, the industrial accident board shall refer the case to the medical panel for investigation and report. No award shall be made in any such case until the medical panel shall have duly investigated the case and made its report with respect to all medical questions at issue. The date of disablement, if in dispute, shall be deemed a medical question.

Section 43-2130. HEARING ON MEDICAL QUESTIONS--FINDINGS.--The medical panel, upon reference to it of a claim for occupational disease, shall notify the claimant or claimants and the employer to appear before it at a time and place stated in the notice, and shall examine the employee if living, and may examine the body of the employee if deceased. If the employee be living, he shall appear before the medical panel at the time and place specified then or thereafter to submit to such examinations, including clinical and x-ray examinations as the medical panel may require. The claimant and the employer or his surety shall each be entitled, at his own expense, to have present at all examinations conducted by the medical panel, a physician admitted to practice medicine in the state who shall be given every reasonable facility for participating in every such examination. If a physician admitted to practice medicine in the state shall certify that the employee is physically unable to appear at the time and place designated by the medical panel, such panel shall, on notice to the parties, change the place and time of examination to such other place and time as may reasonably facilitate the examination of the employee. Proceedings shall be suspended and no compensation shall be payable for any period during which the employee may refuse to submit to such examination.

Section 43-2131. REPORT OF MEDICAL PANEL.--The medical panel shall, as soon as practicable after it has completed its consideration of the case, report in writing its findings and conclusions on every medical question in controversy. If the date of disablement is controverted and cannot be exactly fixed scientifically, the medical panel shall fix the most probable date, having regard to all the circumstances of the case. The medical panel shall also include in its report a statement indicating the physician or physicians, if any, who appeared before it, and what, if any, medical reports and x-rays were considered by it.

The medical panel shall file its findings and report with the industrial accident board, which shall send a certified copy thereof to the claimant or claimants and to the employer and his surety, if any.

Section 43-2132. AWARD--REVIEW OF MEDICAL FINDINGS.--The decision or award of the industrial accident board in the case shall conform to the findings and conclusions in such report insofar as restricted to medical questions: provided, however, that any such findings and conclusions may be set aside, reversed, or modified by the industrial accident board upon a review of the award or decision, in case such a review is had as provided in Section 43-1406 of the workmen's compensation act, subject, however, to the following special provisions:

No such finding or conclusion of the medical panel shall be subject to review unless specified objection shall be filed by a party in interest within the time limited in which to apply for review of an award or decision. If objection is so filed, notice thereof shall be given to the medical panel, whereupon such panel shall delegate one or more of its members to appear at the hearing or hearings on review to submit to examination and cross-examination in respect to the findings and conclusions objected to. Upon such review, no finding or conclusion of the medical panel upon a medical question shall be set aside, reversed, or modified unless proved to be manifestly erroneous or unreasonable, or due to fraud, undue influence, inadvertence, or mistake of fact or law. But, with the consent of the medical panel, its report in any case may, upon review, be remanded to it for reconsideration. Every decision by the industrial accident board that sets aside, reverses, or modifies a finding or conclusion by the medical panel shall be subject to review by the courts, upon appeal as in other compensation cases.

Section 3. APPROPRIATION.--There is hereby appropriated out of any moneys in the general fund in the state treasury not otherwise appropriated, the sum of \$10,000.00, or so much thereof as may be necessary, the same to be placed in the industrial administration fund, and the sum of \$10,000.00, or so much thereof as may be necessary, is hereby appropriated out of the industrial administration fund to the industrial accident board for the administration of this act during the biennium ending December 31, 1940.

Section 4. STATE INSURANCE FUND.--The state insurance fund created by the workmen's compensation law and its administrator, are hereby authorized to insure employers against liability for compensation and to assure to the persons entitled thereto the compensation provided by this act. In determining equitable rates for the added risks of occupational diseases, the state insurance fund shall be governed by the provisions of Section 43-1713 Idaho Code Annotated.

Section 5. All acts and parts of acts in conflict with this act are hereby repealed.

Chapter 161, Idaho Session Laws of
1939 as amended by Chapter 160, Idaho
Session Laws of 1941.

IDAHO RULES AND REGULATIONS
RELATING TO THE CONTROL OF SILICA DUST

Application:

These rules shall apply to all operations within the State of Idaho at any point where injurious concentrations of silica dust are present.

Definitions:

"Silica-bearing rock" means any formation, natural or synthetic, containing as a component part free silica.

"Silica-bearing rock" shall be divided into two classes, as follows:

Class I. Any rock formation, natural or synthetic, which has more than 10% by weight of free silica, and any other formation, natural or synthetic, having a variable and unpredictable content of free silica.

Class II. Any rock formation of substantially uniform, natural or synthetic character which has less than 10% by weight of free silica. No rock shall be considered as Class II until it has been demonstrated by the employer to the satisfaction of the Industrial Accident Board that it should be so classified.

"Injurious silica dust concentration" shall mean dust produced from any operation in excess of the following values as determined by an approved dust count method:

For Class I. Ten million (10,000,000) particles per cubic foot of air.

For Class II. Fifty million (50,000,000) particles per cubic foot of air.

Dust Control:

All operations in silica-bearing rock shall be executed so that there will be no dangerous exposure to injurious dust concentrations.

Dust Control Methods:

Dust control shall be by any one or more of the following methods:

- a. Suction or exhaust or other ventilation methods,
- b. Wet methods.
- c. When no other method or combination of methods can be used to prevent exposure to injurious silica dust concentrations, personal respiratory protection may be used subject to the approval of the Industrial Accident Board. In such cases, the employer shall provide each worker requiring such personal respiratory protection with such equipment of approved design suitably identified to prevent exchange of such equipment and the employer shall further provide and employ approved facilities and methods for at least daily care of such equipment; or
- d. Other methods or combination of methods approved by the Industrial Accident Board.

"Approved" means approved by the Industrial Accident Board.

Approved June 4, 1940

INDUSTRIAL ACCIDENT BOARD

IDAHO RULES AND REGULATIONS
GOVERNING THE USE OF HATTERS' MERCURIAL CARROTING SOLUTIONS

Section 1.

DEFINITION: For the purpose of carrying out the provisions of these regulations the following terms are defined:

Hatters' Fur is any animal fiber or other substance used in the manufacture of hats, which is treated or otherwise prepared by the process of, or, in a manner similar to that of carroting.

Carroting is the process of treating hatters' fur with mercury nitrate or any other solution or material for the purpose of rendering to the hatters' fur suitable in the manufacture of hats.

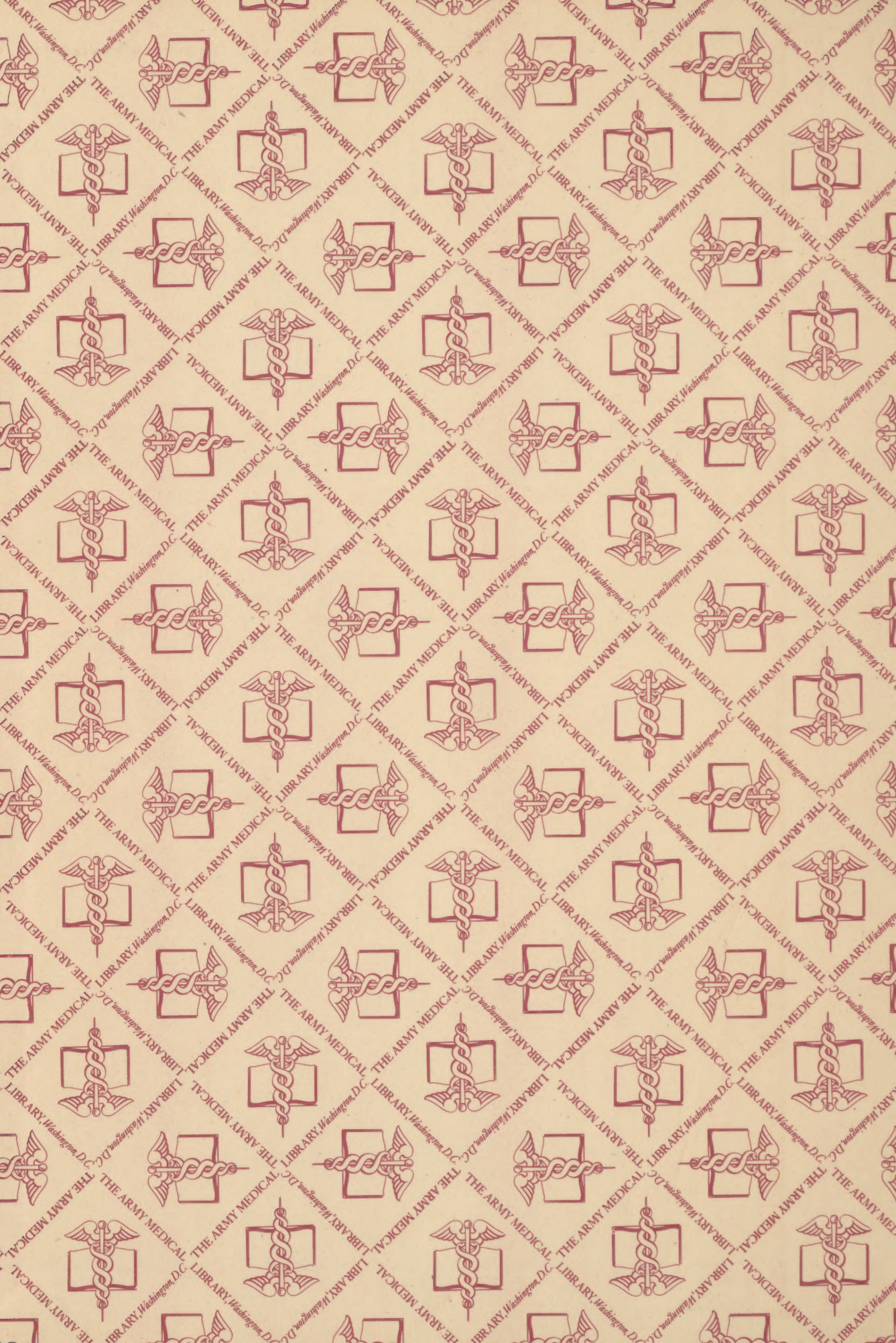
Mercurial Carrot is any solution or material containing mercury or its compounds in combination with nitric acid or other materials and used in the carroting or preparation of hatters' fur.

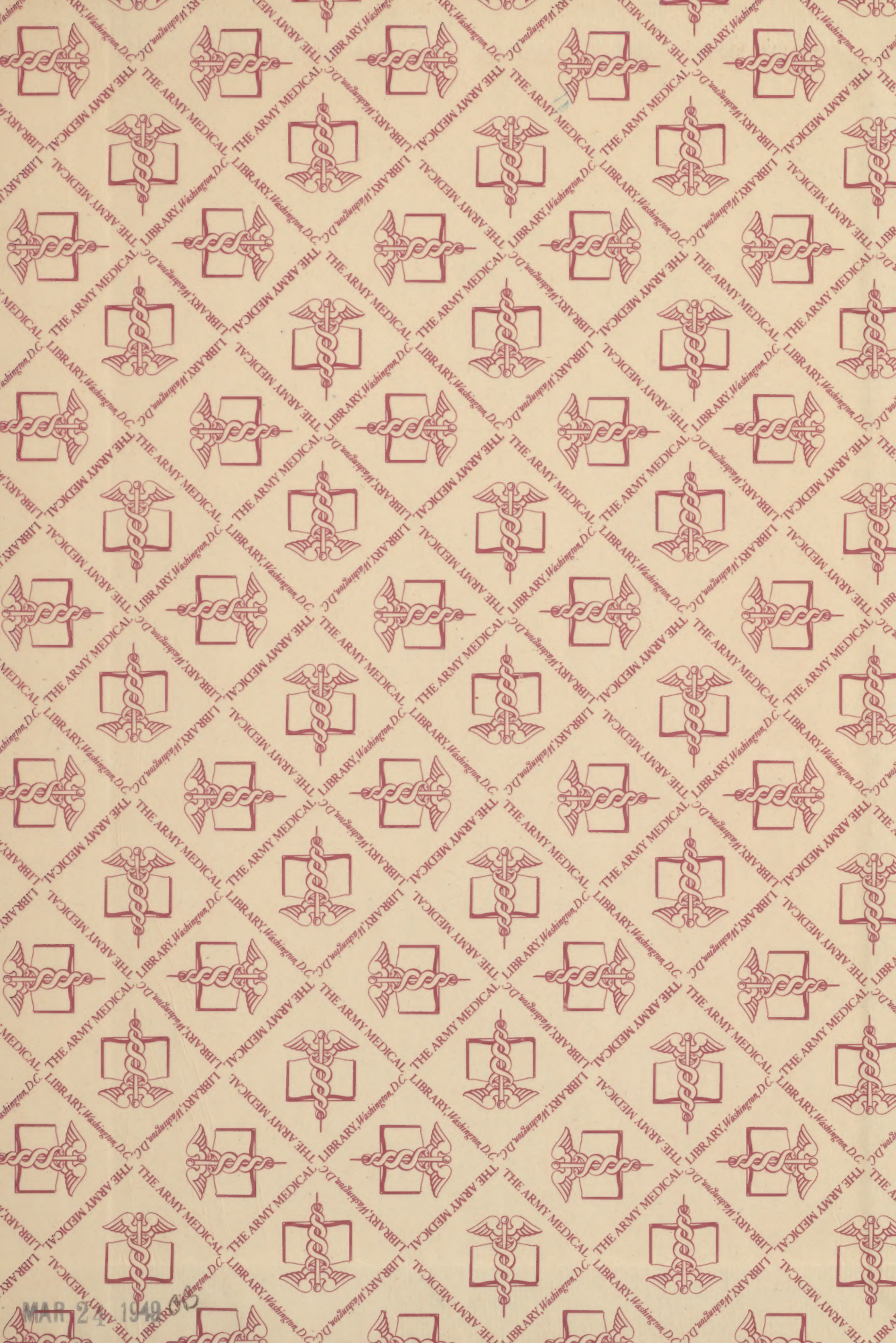
Section 2

Effective December 1, 1941, the use of mercurial carrot in the preparation of hatters' fur, or the use of mercurial carroted hatters' fur in the manufacture of hats, is prohibited: Provided, that any hat manufacturer or fur cutter having mercurial carroted hatters' fur on hand December 1, 1941, may use said fur until it is consumed,

Approved on September 25, 1941

INDUSTRIAL ACCIDENT BOARD





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